

# INDIAN AFFAIRS MANUAL

Part 25

Safety and Risk Management Program

Chapter 6

Employee Injury Compensation Program

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**1.1 Purpose.** This chapter establishes Indian Affairs' (IA) policy for the Federal Employees' Compensation Act (FECA) and the IA Employee Injury Compensation Program. FECA provides compensation benefits to civilian employees of the United States (U.S.) Government for disability due to personal injury or disease sustained while in the performance of duty.

**1.2 Scope.** This policy applies to all offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including offices reporting to the AS-IA, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

**1.3 Policy.** It is the policy of IA to comply with all applicable federal laws and regulations as well as Department of the Interior (DOI) policies and procedures on employee injury compensation; and ensure that resources are available to facilitate compliance.

**1.4 Authority.**

**A. Statutes and Regulations.**

- 1) 5 U.S.C. 8101 et seq., Federal Employees' Compensation Act (FECA)
- 2) 20 CFR 10, Claims for Compensation Under the Federal Employees' Compensation Act, as amended

**B. Guidance.**

- 1) U.S. Department of Labor (DOL), Office of Workers' Compensation Programs (OWCP) Publication CA-810: Injury Compensation for Federal Employees, Revised 2009

**C. Handbooks.**

- 1) 25 IAM 6-H: Indian Affairs Employee Injury Compensation Program Handbook
- 2) DOL OWCP Division of Federal Employees' Compensation (DFEC) Procedure Manual: (FECA Parts 0 through 8).

### 1.5 Responsibilities.

- A. **Director, Office of Facilities, Property, and Safety Management (OFPSM)** is the IA-Designated Safety and Health Official (IA-DASHO) and is responsible for managing and administering the IA Safety and Risk Management Program (SRMP). The Director reports to the IA Deputy Assistant Secretary – Management (DAS-M) and is responsible for oversight, policy, and procedures governing IA facilities management and construction, property, safety, and risk management, including the administration and management of the Employee Injury Compensation Program.
- B. **Chief, Division of Safety and Risk Management (DSRM), OFPSM** is the Workers Compensation Coordinator (WCC) for IA Central Office programs, and is responsible for assisting injured employees and their supervisors with occupational injuries, occupational disease or illness, continuation of pay (COP), and investigation and documentation of accidents/incidents for AS-IA office programs.
- C. **Directors, BIA and BIE** are responsible for ensuring that managers, supervisors, and employees comply with the requirements of the Employee Injury Compensation Program.
- D. **Regional Director (RD)** is responsible for implementing and administering the Employee Injury Compensation Program in his/her region, and for providing support and adequate resources (staff and budget) to effectively implement and administer the program.
- E. **BIA Regional Safety Manager (RSM)** is the designated WCC for his/her region, and is responsible for:
- 1) assisting injured BIA employees and their supervisors with all aspects of the Employee Injury Compensation Program including traumatic injury, occupational disease or illness, COP, wage loss compensation, and return-to-work efforts;
  - 2) ensuring that all pertinent forms are properly and timely completed, and that documents for submission to the OWCP are technically accurate;
  - 3) investigating and documenting accidents/incidents, and reviewing and verifying chargeback reports;
  - 4) reviewing all forms in “Agency Review” in the Employees’ Compensation Operations and Maintenance Portal (ECOMP), including checking the forms for completeness. If there is any doubt about the information on the form, the WCC should resolve the matter before further processing;
  - 5) monitoring COP days to ensure they do not extend beyond the 45 calendar day period;

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- 6) referring suspected fraud cases through channels to the proper investigative authority, DOL Office of Inspector General (OIG), or other investigative services;
  - 7) ensuring that Form CA-6: Official Supervisor's Report of Employee's Death is completed in ECOMP no more than 10 business days after notification of death if the employee dies as the result of a job-related injury; and
  - 8) investigating and documenting accidents/incidents within his/her respective region; reviewing and verifying chargeback reports; and completing the DOI Safety Management Information System (SMIS) Safety Manager accident/incident initial review within seven calendar days following the date that appropriate management personnel were notified of the accident/incident.
- F. BIA Field WCC** is responsible for assisting injured BIA employees and their supervisors with traumatic injury, occupational disease or illness, COP, and/or wage loss compensation efforts, and investigating and documenting accidents/incidents within their respective geographical jurisdictions.
- G. BIE Safety Program Manager (SPM)** is responsible for completing the SMIS Safety Manager accident/incident initial review within seven calendar days following the date that appropriate management personnel were notified of the accident/incident.
- H. BIE Human Resources Office (HRO)** is the designated WCC for BIE entities, and serves as the focal point for all aspects of the program, including coordinating efforts of safety officials, occupational health officials, supervisors and other management officials, and the local labor program. The WCC is also responsible for:
- 1) assisting injured BIE employees and their supervisors with all aspects of the Employee Injury Compensation Program including traumatic injury, occupational disease or illness, COP, wage loss compensation, and return-to-work efforts;
  - 2) ensuring that all pertinent forms are properly and timely completed, and that documents for submission to the OWCP are technically accurate;
  - 3) investigating and documenting accidents/incidents, and reviewing and verifying chargeback reports;
  - 4) reviewing all forms in "Agency Review" in the ECOMP, including checking the forms for completeness. If there is any doubt about the information on the form, the WCC should resolve the matter before further processing;
  - 5) monitoring COP days to ensure they do not extend beyond the 45 calendar day period;

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- 6) referring suspected fraud cases through channels to the proper investigative authority, DOL Office of Inspector General (OIG), or other investigative services; and
  - 7) ensuring that Form CA-6: Official Supervisor's Report of Employee's Death is completed in ECOMP no more than 10 business days after notification of death if the employee dies as the result of a job-related injury.
- I. Director, IA Office of Human Capital Management (OHCM)** is responsible for providing human resources assistance to the Employee Injury Compensation Program by ensuring there is a process in place to return injured employees to work as soon as medically feasible.
- J. BIA Regional and BIE Human Capital Offices** are responsible for assisting supervisors with light duty and alternate work assignments for injured employees.
- K. Managers and Supervisors** are responsible for the following:
- 1) enforcing and ensuring that recognized safety and health precautions are continually observed by all employees under their supervision;
  - 2) ensuring reporting of all safety-related events occurring under their supervision in SMIS;
  - 3) ensuring that employees know when and how to report occupational injuries and illnesses;
  - 4) assisting employees with on-the-job injuries, such as arranging for first aid, medical treatment, and transportation to treatment facilities, if needed; and completing and submitting required OWCP forms as well as reporting such injuries in ECOMP;
  - 5) ensuring that employees know they have the freedom to choose a treating physician and sending injured employees for medical treatment when a traumatic injury is reported. If an employee refuses treatment, the facts of the situation should be documented and investigated as necessary;
  - 6) ensuring COP is reported accurately and completely for time and attendance purposes;
  - 7) identifying positions or duties to make light duty offers in conjunction with Human Resources;
  - 8) maintaining continued personal contact with the injured employee as the disability warrants;

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- 9) obtaining training and having a good understanding of the ECOMP system when filing claims for injuries and illness under FECA; and
  - 10) completing all “Supervisor Review” portions in ECOMP when the employee submits through the ECOMP system.
- L. Employees** are responsible for immediately notifying their supervisor of any on-the-job injury and obtaining the authorization from the supervisor to seek medical treatment. Injured employees must initiate the process for all safety-related events through SMIS. SMIS will guide the employee through the process, including directing the employee to the DOL OWCP’s ECOMP. If the employee wishes to file an injury and/or occupational claim with OWCP, they must be filed through ECOMP. The forms that should be filed in ECOMP are CA-1, CA-2, and all CA-7s.

### 1.6 Definitions.

- A. Assisted reemployment** means OWCP may reimburse an employer who was not the employer at the time of injury for part of the salary of a reemployed worker. This wage subsidy is intended to assist in reemploying workers who could not be placed with their former employers. It is available to other Federal Government employers as well as to state and local governments and the private sector.
- B. Continuation of Pay (COP)** is continuation of an employee’s regular pay to a traumatically injured employee with no charge to sick or annual leave for the first 45 calendar days of disability. COP is subject to taxes and all other usual payroll deductions.
- C. Controversion** is the agency’s objection to paying COP for one of the reasons provided by regulation. The supervisor may controvert a claim by completing the indicated portion of the Form CA-1: Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation and submitting detailed supporting information to OWCP. Even though a claim is controverted, the agency must continue the employee’s regular pay unless at least one specific condition applies. The DOL’s OWCP Publication CA-810: Injury Compensation for Federal Employees discusses these conditions in Section 5-3.
- D. Employees’ Compensation Operations and Management Portal (ECOMP)** is the DOL OWCP’s web-based system for electronically filing of worker’s compensation forms, tracking the exact status of any form or related document, and electronically uploading documents to existing case files.

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- E. Exclusiveness of remedy** means that the benefits provided under the FECA constitute the sole remedy against the U.S. for a work-related injury or death. A Federal Government employee or surviving dependent is not entitled to sue the U.S. Government or recover damages for such injury or death under any other law.
- F. Federal Employees' Compensation Act (FECA)** outlines the statutory regulations for the workers' compensation program, which is identified in 5 U.S.C. 8101 et seq, as amended in 1974.
- G. Light duty** means assigning limited job duties to allow the injured employee to continue working while recuperating.
- H. Occupational disease or illness** is a condition produced in the work environment over a period longer than a single workday or shift. It may result from systemic infection; repeated stress or strain; exposure to toxins, poisons, or fumes; or other continuing conditions of the work environment.
- I. Reemployment** means rehiring injured employees and placing them into modified, newly created, or alternate positions within the previous employing agency.
- J. Rehabilitation** is the process of providing medical and occupational services to assist a former employee's return to employment in either the federal or private sectors.
- K. Rehabilitation Counselor** is a professional counselor who provides direct occupational rehabilitation services to the injured employee. These services are authorized and supervised by a rehabilitation specialist.
- L. Rehabilitation Specialist** is an OWCP employee responsible for coordinating occupational rehabilitation services authorized under FECA.
- M. Safety Management Information System (SMIS)** is the DOI's web-based system to electronically initiate the process for all safety-related events, including traumatic injuries, occupational disease or illness, and claims for compensation.
- N. Traumatic injury** is a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such a condition must be caused by external force, including stress or strain, which is identifiable as to the time and place of occurrence and limb or function of the body affected.

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## 1.7 Reports and Forms.

See the corresponding handbook, 25 IAM 6-H: Employee Injury Compensation Program Handbook, for details on forms and submissions.

### Approval

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