



RETURN TO WORK

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The FECA prescribes the following:

The United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances, and supplies prescribed or recommended by a qualified physician, which the Secretary of Labor considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation.



The purpose of workers' compensation under the FECA:

- Provide medical and wage loss benefits where indicated
- Return employee to gainful employment when medical evidence indicates it is possible
- Provide vocational rehabilitation when appropriate



The FECA is **NOT** a retirement program

It **IS** a return to work program

- Under the FECA, an employee who can work must work and the agency must make all reasonable efforts to provide such work
- It is not what an employee can't do after an injury... it is what they can do – most employees can perform some duties while they are recovering
- Successful RTW or proper case resolution should be the primary focus



Proper Case Resolution

- Under the FECA there should be a resolution to every case
- It is the agency's responsibility to obtain case resolution in cooperation with OWCP

So what does that mean?

The agency must be proactive and remain engaged for the life of the claim in order to ensure a proper resolution based on the unique specifics of each claim



OK, so what does “resolution” look like?

- A return to full unrestricted duty in their original position; or
- OWCP accepts the employee into Vocational Rehabilitation program with placement into a job they are able to do - in or out of government; or
- OWCP finds that medical supports that the employee has no re-employment potential and codes case PN

***PN = Periodic Roll w/ no Reemployment Potential - Why is this Important? -**



The employee notified me that they started the retirement process. Now what?

- An employee's retirement does not stop the agency's responsibility to pursue RTW
- If medical shows the employee has ability to work (full or limited duty) – agency should provide a LDJO

Why? They are going to retire anyway. Seems like a waste of time.

- Once retired, most employees realize they receive less money than when they were on workers' compensation
- They may elect to return to OWCP rolls... and many do



The employee notified me that they started the retirement process, now what?

- If a LDJO provided by agency is rejected by the employee and OWCP finds that the job offer was in fact suitable, they will notify the employee of their finding and provide them with an opportunity to accept the offer
- If the employee still rejects the LDJO, OWCP will sanction the employee under 5 U.S.C. Section 8106(c)(2)
- That closes the door on further monetary entitlement on all claims where the injury occurred prior to the termination decision

§10.517 What are the penalties for refusing to accept a suitable job offer?

(a) 5 U.S.C. 8106(c) provides that a partially disabled employee who refuses to seek suitable work, or refuses to or neglects to work after suitable work is offered to or arranged for him or her, is not entitled to compensation. An employee who refuses or neglects to work after suitable work has been offered or secured for him or her has the burden to show that this refusal or failure to work was reasonable or justified.

(b) After providing the two notices described in §10.516, OWCP will terminate the employee's entitlement to further compensation under 5 U.S.C. 8105, 8106, and 8107 on all claims where the injury occurred prior to the termination decision, as provided by 5 U.S.C. 8106(c)(2). However, the employee remains entitled to medical benefits as provided by 5 U.S.C. 8103.



A “SUITABLE” Job Offer Must Contain the Following

- A detailed description of the duties to be performed
- The **specific** physical requirements of the position and any special demands of the workload or unusual working conditions
- The complete work schedule (including telework)
- The organizational and geographical location of the job
- The date on which the job will first be available
- The date by which a response to the job offer is required
- Grade, step, and pay rate information for the offered job

Miss one of these in your job offer and OWCP will find it Not Suitable



Recommended Language for Job Offer

- “This limited duty assignment is not meant to be a permanent position. It is being offered to assist in your recovery with the goal of a full return to work.”
- “This limited duty assignment ends on the date you are medically cleared to resume your full duties as a [Job Title].”
- “The Agency will revisit this limited duty assignment every 30 days or whenever medical evidence states that your restrictions have changed and amend the job offer as appropriate.”



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Date

Claimant Name
Address
City, State Zip Code

Re: Limited Duty Job Offer
OWCP Claim No: xxxxxxxxxx

Dear [Claimant Name]:

I am pleased to inform you that we have received medical documentation from Dr. [Physician's Name], [Physician's Specialty], indicating that you are able to resume [full-time or part time] light duty work with limitations (limited duty) for no more than [# of hours] hours per day, [# of days] days a week. Given that, the following is a description of duties offered to you to perform while you are assigned to limited duty; this limited duty assignment is available immediately.

If you do not accept the limited duty job offered to you, it may affect your benefits with the Office of Workers' Compensation Programs. You are required to work within your medical restrictions and perform your duties in a safe manner at all times.

Limited Duty Assignment Responsibilities

You will return to work in your position as a [Job Title from Position Description (PD)], [GS-xxxx-xx] in the [Agency Name and Office Location (e.g., OSHA Baltimore Area Office)]. A copy of your position description is attached. Your limited duty assignments will include:

- [Specific tasks and duties should be listed here. List primary tasks/responsibilities on this offer letter, but also include the full PD as an attachment]
- [Duties]
- [Duties]

Return to Work Start Date: Day of the week, Month Day, Year
Your Days of Work/Hours of Work will be: Monday through Friday, 8:00 a.m. to 4:30 p.m.
Scheduled Days Off: Saturday and Sunday
Office Name: [Agency Name/Sub-agency Name]
Assigned Duty Location: [Full duty location address]
Report To: [Supervisor Name], [Title]
Grade/Step/Salary: [GSxx][Step x][\$xx,xxx]

The Department is willing and able to accommodate the physical limitations identified by Dr. [Physician's Name], and consequently light duty is available as a part of the work-hardening process since full time employment without restrictions is currently not warranted by your

CLAIMANT NAME: xxxxxx xxxxxxxxxx
DATE: Month Day, Year

medical condition. This limited duty assignment complies with all of your physical restrictions as identified by Dr. [Physician's Name], which include the following:

- List specific limitations here
- Make sure not to miss any limitations
- Must match physician recommendations
- Missing limitations could lead to job being found unsuitable

Please note that this limited duty assignment is not meant to be a permanent position. It is being offered to assist in your recovery with the goal of a full return to work. The limited duty assignment ends on the date you are medically cleared to resume your full duties as a [Job Title]. The Agency will revisit this limited duty assignment every 30 days or whenever medical evidence states that your restriction have changed and amend the job offer as appropriate.

Please respond to this offer by indicating your decision on the attached form and return it to this office via the enclosed UPS envelope no later than Day of the week, Month Day, Year. If you have any questions concerning this matter, please contact me at the information listed below.

Sincerely,

[YOUR SIGNATURE]
[Agency Rep Name]
[Title]
U.S. Department of Labor
[Sub-Agency]
[Address]
[City, State Zipcode]
[Email Address]
Office: [Phone Number]

Enclosure(s): Limited Duty Assignment Response Form
Position Description – [Position Name] - GS-xxxx-xx

cc: OWSH
|



RETURN TO WORK

[Case Number]

LIMITED DUTY ASSIGNMENT OFFER RESPONSE FORM

[Date]

[Claimant Name]
[Address]
[City, State Zip Code]

Dear [Claimant Name],

This form is in reference to the limited duty assignment offer dated [Date Job Offer was Signed by Agency] that was made to you as a [Position Name]. Please indicate below your decision concerning this offer, and then sign, date, and return your response in the enclosed UPS envelope, provided for your convenience. Your response is required by [Date].

Please select one of the following:

I have read the limited duty assignment offer extended to me, and I accept the terms as indicated, and I will return to work on:

(Please specify date of return)

I have read the limited duty assignment offer extended to me, and I voluntarily decline the offer. I fully understand the consequences under 5 U.S.C Section 8106 that if I decline this job offer and OWCP determines that this position is suitable, my compensation benefits may be terminated (except for medical benefits).

Reason(s) for declining:

(Signature of Employee)

(Date of Signature)



Providing the Job Offer to the Employee

Send LDJO by Fed-EX or UPS overnight delivery w/ a prepaid return overnight envelope provided for employee's response

- *Make absolutely certain you have the employee's current mailing address*
- A minimum of 3 calendar days should be allowed for employee's response
- The average is 5 calendar days (this accounts for weekends)

Extensions for an employee's response should be granted very rarely, only in extreme circumstances, and on a case by case basis



Job Offer Not Accepted

- Employee rejects the LDJO
- Employee fails to respond by date indicated
- Employee “conditionally accepts” the LDJO and writes in requested modifications

Now what do I do?

Immediately, on the first full day after COB on the deadline date indicated in the LDJO, upload the following into ECOMP: a copy of the job offer, the employee’s response and a letter to the claims examiner requesting a formal “job offer suitability determination”.

If found suitable, the employee faces potential sanctions under 5 U.S.C. Section 8106(c)(2).



Using ECOMP Features to aid in the RTW Process

ECOMP has many useful features that can aid you in the RTW process. In particular the following four ECOMP features are essential for managing any workers' compensation claim and ensuring a successful RTW.

- Case Management Dashboard
- CE-LinQ Dashboard
- Upload Documents Feature
- Digitally submitting OWCP Form CA-3



ECOMP's Case Management Dashboard

The Case Management dashboard contains everything that an ICS/WCC needs to know to manage a case and should be the first place you look when trying to determine what is going on with a case and what next steps you should take in the RTW process.

Within this dashboard you will find detailed case information, compensation payment information, and the complete set of imaged case files.

The following slides will provide a brief overview of most useful features in the Case Management Dashboard.



Case Management Dashboard Features

- **General case information** – Found at the top of the Case Management Dashboard. It contains basic information related to the claim such as claimant data, adjudication and case status, accepted conditions, the Bill Pay Inquiry feature, etc.
- **Case Data tab** – Contains detailed case information including CA-7 compensation payment tracking, case history information, COP nurse information, injury information, and a list of any authorized CA-16s.
- **Compensation Pay History tab** – Lets you track every compensation payment related to this case and shows detailed information about each payment.
- **CE-LinQ Letters Tab** – Displays any CE-LinQ correspondence related to the case. It lists both active and historical tasks that have already been completed. This is important because once a task is completed on the CE-LinQ dashboard, it will drop off the dashboard and can **ONLY** be found in the CE-LinQ Letters tab.



Case Management Dashboard Features

Case Imaging Tab – This is perhaps the most valuable feature in Case Management. The Case Imaging Tab will let you instantly view all imaged case files including:

- OWCP forms (CA-1, CA-2, CA-7, CA-7a, CA-17, CA-20, etc.)
- Correspondence related to the case
- Medical documents
- Official decision documents
- Job Offers and Return to Work Information.

Reviewing these imaged documents allows you to determine what stage the claims examiner is at in the RTW process, will show any delays, and should give you an idea of what actions to request next.



Case Management Dashboard Features

Disability Management Interface (DMI) - Found within the Case Imaging tab. The DMI allows you to send certain pre-formatted messages to the OWCP claims examiner such as:

- Reporting a job offer refusal
- Reporting a claimant not returning to work after a job was found suitable
- Reporting a claimant not returning to work after they have received a 15 Day Letter
- Reporting a lack of response to a prior DMI request
- Requesting a Second Opinion Examination for the claimant (Coming Soon)

These pre-formatted messages are designed to take the guess work out of communicating with the CE and will prompt you to enter all necessary information.



CE-LinQ Dashboard

CE-LinQ allows claims examiners to instantly submit correspondence to employing agencies within the ECOMP system and allows the employing agency to respond directly to these queries.

Examples of CE-LinQ correspondence include:

- Initial development information requests
- Reconsideration information requests
- Payrate/Payment information requests

CE-LinQ greatly reduces the time lag between sending and receiving information and speeds up the adjudication and return to work process. ICS/WCCs should promptly respond to any CE-LinQ request and are required to respond by the CE-LinQ task's due date.



Upload Document

The upload document feature can be used anytime you need to upload a document directly to the case file. It is routinely used to upload documents such as:

- Agency Challenge Statements
- Requests for Second Opinion Examination
- Requests for Vocational Rehabilitation
- Limited Duty Job Offers

It is so vital to case management that OWCP placed the Upload Documents feature in three separate places in ECOMP (Login Page, Main Dashboard, and within the Case Imaging feature).

**If a document has not been submitted to OWCP or uploaded to the case file, it does not exist for case management purposes.



OWCP Form CA-3

Filing an OWCP Form CA-3 is a critical step in the return to work process and OWCP has placed this feature under the “Forms” tab of the main ECOMP dashboard for easy access.

- Officially documents when a claimant’s work schedule changes as a result of a work-related injury.
- Should be completed and submitted to OWCP each time a claimant stops work, reduces their work hours or returns to work.

The CA-3 is particularly important because, when OWCP runs reports in ECOMP, they use the CA-3 to determine the date of RTW. If a CA-3 is not filed, OWCP will not know that the claimant actually RTW and the case may show up as a RTW fail.

**OWCP cannot access timesheets to determine if an employee has RTW.



ECOMP as a Case Management Tool

By using the ECOMP features mentioned in the previous slides, WCC/ICSs can more effectively manage workers' compensation cases. ECOMP allows you to:

- Access/review case files and file/review OWCP forms at anytime, from any internet accessible device.
- Facilitate direct, two-way communication between the OWCP and agency personnel.

The fast and accessible nature of ECOMP ensures that DOL personnel involved in the RTW process are no longer hindered by lack of knowledge from not being able to review case files, inability to communicate with the CE, and the delays caused by using paper documents and relying on postal services. This means that RTW actions can happen more quickly than ever before and cases are less likely to “fall through the cracks”.



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Questions?