

# Habits of Excellent Injury Compensation Specialists

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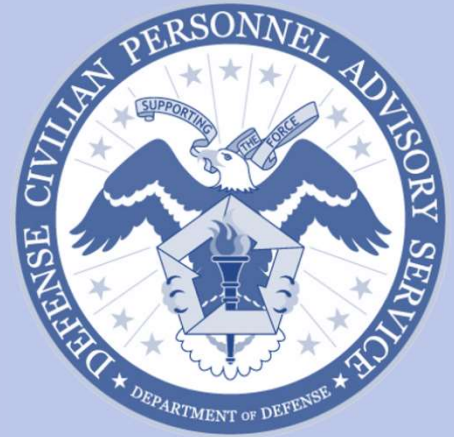
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Department of Defense | Defense Human Resources Activity

# Objectives

This course will provide insight and strategies for your workers' compensation program, including:

- Avoiding common habits that impede reaching the goals of your workers' compensation program
- Understanding your role in the handling of claims
- Being data-driven, instead of perception driven
- Identifying better strategies for managing your workers' compensation program
- Prioritizing case issues and reviews



# Hard Habits to Break...and to Form

- **Aristotle** said: “We are what we repeatedly do. Excellence, then, is not an act, but a habit.”
- **Augustine** said: “Such is the burden of habit. Here I have the power to be, but do not wish it. There I wish to be but lack the power. On both grounds, I am miserable.”
- **Erasmus** said: “A nail is driven out by another nail; habit is overcome by habit.”

# Before looking at habits of excellence... what are some habits to avoid?

1. Being reactive, defensive, or unclear about your role in the WC process.
2. Having an is/ought philosophy: “We’ve always done things this way.”
3. Making it personal. “It’s all about me!” or “Don’t you know who I am?”
4. Power and control (winning) being your primary focus.
5. Failing to use your resources. Hoarding information that should be shared. Sharing information that should be protected.
6. Lack of communication or lack of responsiveness.
7. Failing to ask for help when you need it. Being unwilling to train or help others.

# Habits to Avoid

## Tips How to Stay Mediocre

- Some of us have five years of experience, but do we just do the same year five times?
- “Where is the list of everything that is covered or not covered?”
- We can’t strategize if we only look at the most current documents (a.k.a. “top- sheeting”)
- Do we know the underlying principles of our work, or just fake it?
  - We should consider “why do we do this” not just “how do I do this”
- Is there a difference between ignorance and apathy?

# Know Your Role - Generally

- We can:
  - Be sources of vital information
  - Advocate for the employee
  - We can challenge claims or provide other relevant information
- We can be:
  - Involved at beginning: “How do I file a claim?”
  - Involved in compensation process: “How do I request COP or compensation?”
  - Involved in return-to-work process: “Can we offer light duty or a PJO?”
- Facilitate different parts of your agency working together to ensure employees receive all the benefits they are entitled to
  - Supervisor
  - Payroll
  - Safety
  - Occupational Health
- Participate in working groups to review and proactively prevent injuries

# Know Your Role - Specifically

Agency Workers Compensation personnel need to know thoroughly understand:

- The potential benefits available to injured employees
- The responsibilities of each stakeholder
  - Agency
  - Injured Employee
  - DOL
- How to use ECOMP
- The three bars to compensation, the elements of a claim, and additional Performance of Duty issues

# Know Your Role – Specifically (Continued)

- How to count and authorize Continuation of Pay (COP)
- Light Duty and Permanent Job Offers: what restrictions must be considered and what elements must be included
- Leave Buy Back: What is your agency policy?
- How to review long-term medical and periodic roll cases
- How to obtain pay rates, position descriptions, and agency-created medical records



# Excellent Habits

- Be proactive, not reactive
- Solve current problems and prevent future ones
- Aggressively manage new disability cases
- Do not re-fight old battles
- Do not take the work personally
- Be persistent and follow up
- Plan to plan: What can we do right now, in a week, in a month, in a year?

# Assume Nothing About a Case

- Employees ask many questions about many topics.
  - What are they actually asking?
  - Not all are within your area of experience.
  - Is it relevant to the claim?
- Examples: questions about reimbursement, surgery, retirement, etc. The case is under development and the employee has not responded to OWCP letter. What should you tell them right now?
- When faced with difficult questions, do you:
  - Answer the questions you can?
  - Ask for the case number and check the case status yourself first?
  - Research questions in the DFEC Procedure Manual, the FECA, regulations, Agency policies, etc.?
  - Do you tell injured employees to call the Claims Examiner?
  - Ignore them and hope they go away?

# Assume Nothing: The Sequel

- Be informed. Do not allow yourself to be “gaslighted”
  - Example: “Nothing has happened in the case!” or “No one is helping me.” *Then, it turns out PLENTY has happened, such as case being accepted, benefits started, but there is one aspect of the case that is not moving forward the way the injured employee would like.*
- Always confirm the details of the information provided to you prior to responding, particularly if there are issues or complaints.
- Make sure you confirm to whom you are speaking? Is the injured employee or an authorized representative? Otherwise, do you have a release of information on file.
- Do you make appointments to go over benefits, responsibilities, aspects of the case, required follow up.
- Don’t assume that smoke means something is on fire. Avoid “Drop everything and do this or that!”

## Don't be afraid to say these when applicable:

- “It depends.” Benefits are complicated and small differences in cases can make huge differences in your response. Decisions are made on a “case-by-case” basis.
- “I don't know.” It's not your job to know everything.
- “That is the responsibility of the claimant (or OWCP, or the physician)”
- “That it is your responsibility.”
- “I have no control over that situation.”

# Examples of Knowing our Role (1)

- An employee files a CA-1 and is assigned a case number. OWCP asks them to provide all relevant medical records.
- They come to you for assistance. Specifically, the employee mentions that they received medical treatment at your agency medical clinic. They were also treated for the injury at their personal physician's office.

**QUESTION:** Do you have any obligation to obtain any of their records and why?

**ANSWER:** Although the burden to prove the claim is on the employee, the agency is obligated to obtain any medical records from the agency medical clinic and upload them into ECOMP. Beyond these records, it is the responsibility of the employee to obtain and submit all medical records.

# Examples of Knowing our Role (2)

- An employee receives a denial of benefits from OWCP. The denial contains appeal rights.
- They ask their injury compensation specialist what to do.

**QUESTION:** Should you advise your injured employee which appeal to file?

**ANSWER:** No. You can explain the various appeals; however, only the claimant or their representative can choose which appeal right to exercise and actually take the required actions.

# Human Resources/Personnel Matters

- Workers' Compensation is not the solution to conduct, discipline, or other personnel issues.
- Leave Without Pay (LWOP) can affect employee benefits including: Service Computation Date (SCD), Leave Accrual, Within Grade Increases (WGI), Health Insurance, Life Insurance, Thrift Savings Plan (TSP), and Retirement Eligibility
- Although OWCP may “transfer in” an employee’s FEHB or FEGLI, it is important to process SF-50s for LWOP >80 hours to avoid employees incurring a debt. OPM Website has the Guide to Processing Personnel Actions (GPPA) with guidance.
- Remind employees about to address other allotments from their paycheck which OWCP cannot deduct such as alimony, child support, repayment of TSP loans, car payments, etc.
- Encourage employees to gather and maintain copies of their own records.

# Is it your job to make people happy?

- **No.** Your job is far more important than “making someone happy.”
- You are not cake, ice cream, or pizza.
- **Life is unfair.**



# “Just tell me what to do!”

- **Epictetus** said: “In this way you must understand how laughable it is to say, ‘Tell me what to do!’ What advice could I possibly give? No, a far better request is, ‘Train my mind to adapt to any circumstance.’ . . . In this way, if circumstances take you off script . . . you won’t be desperate for a new prompting.”

# Where should our focus be?

- With many cases “at rest” for the moment, we need to work on the “other cases” just as a sports teams needs to win those “other games”.
- We must focus on:
  - What the medical documentation says
  - Employees who have not been released to work at all without medical reason
  - Employees who need modified job offers
  - Employees whose restrictions do not seem consistent with the injury and/or recovery from surgery
- You can't resolve every case to your satisfaction

# Which of the following deserve attention as soon as possible?

- Employee asks how long it takes to get benefits. They have not filed a claim but demand an answer.
- Employee needs assistance filing their claim in ECOMP.
- Employee can't find a treating physician.
- Employee asks why their COP or CA-7 has not been paid
- Employee asks why their travel voucher has not been paid

# More examples

- Employee sprained ankle, full-time telework, taken off work for three months.
- Employee injured right shoulder, and their attending physician says they can't even perform sedentary work.
- Employee injured their back moving furniture due to new office assignments. Physician says they can't work because they can't do heavy lifting, but their position description does not require any lifting.
- Employee underwent authorized spinal surgery yesterday and is already receiving periodic roll compensation.
- Employee makes multiple changes of physician and each one discharges them promptly.

# Which would you prefer:

- In one year, your agency has a total of 100 cases and 1000 lost days of work, but they all return to work
  - Averaging three lost days each
  - \$1000 medical expenses per case = \$100,000.00 medical expenses
- Or you have one injury a year...and they never return to work?
  - Decades of compensation and medical treatment including second opinions, referees, and vocational rehabilitation

Lifetime Compensation Calculator	
Current Age:	43.25
Age to Current Life Expectancy:	35.25
Monthly Compensation:	\$2,600.00
Annual Compensation:	\$33,800.00
Expected Life Compensation Cost if RTW/Not RTW:	\$1,541,267.62

Lifetime Compensation Calculator	
Current Age:	43.25
Age to Current Life Expectancy:	35.25
Monthly Compensation:	\$8,608.00
Annual Compensation:	\$111,904.00
Expected Life Compensation Cost if RTW/Not RTW:	\$5,102,781.41

# How Data Measures our Progress

- While we should be data-driven, we still need to know how to correctly *interpret* data
- Can we detect trends in kinds of injuries, locations, and specific parts of agencies?
- Can we determine why our chargeback increased or decreased, rather than only looking at how many cases or how many dollars?
- How can we work with the FECA program to meet goals and reduce costs?

# How Data Measures our Progress (continued)

- Historically, the majority of FECA costs are from long-term periodic roll (PR/PN/PW) cases, not medical expenses, or schedule awards
- Has bringing people back to work more rapidly reduced the chargeback?
- Focusing on new cases BEFORE they become older, expensive cases means long-term savings

# On today's episode: "Am I the drama?"

- Do I defuse conflict, or do I start it? Do I walk away from it?
- Is it all about me, or am I a team player? Am I a martyr or a leader?
- Can I raise valid concerns without being unprofessional?
- Do I prioritize what I can control, or waste energy on other things?
- When I need assistance with a problem, do I know who to ask or how to communicate my concerns?
- Can I navigate expectations from 1) my manager, 2) injured employees, and 3) myself?



# “Am I the drama?” (The sequel)

- CE sends us a letter with the employee’s name misspelled
- OWCP rules a job offer not valid and asks for a new offer, but your agency management says, “Never mind!”
- Employee says they want a particular position on “USA Jobs,” and is not cooperating with returning to work unless you guarantee that job to them.
- Employee who is offered a job says “I’m going to retire...” but do they? Will they?
- When reviewing the chargeback (your OWCP cost), the program manager notices two very old cases, with enormous long-term cost and demands that you do something. Do you send a letter to DOL or do you review the circumstances first?

# “Am I the drama?” Finale! (Part 1)

- CE sends us a letter with the employee’s name misspelled
  - Not the end of the world.
- OWCP rules a job offer not valid, management says “Never mind!”
  - Don’t use an injury case to deal with personnel issues, push for a new job offer that OWCP will find suitable. Work with the CE on this.
- Employee says they want a particular position on “USA Jobs”
  - Employees should not use an injury to avoid competing for positions.
  - Job placements are to meet the needs of the Agency.
  - Job offers cannot result in a promotion.

# “Am I the drama?” Finale! (Part 2)

- An employee wants to dictate what duties he/she is willing to perform.
  - Light/limited duty and permanent job offers are based on medical restrictions
  - Performance or conduct issues are addressed outside WC
- Employee says “I’m going to retire...” when extended a job offer.
  - Move forward with job offer, ask OWCP for suitability ruling, etc.
  - Employees will be offered the opportunity to elect the benefit of their choice and can elect the one that is most financially advantageous.
- Management demands action on old cases
  - Put together a plan to review cases appropriately.
  - You are looking for Work Capacity
  - Despite our best intentions and actions, some employees will never RTW.
- **NEXT SEASON: “It’s fine. Everything’s fine!”**

# What can I control?

- Myself. I can be thoughtful in my words and actions.
- I can influence others through information, resources, suggestions, and offers of assistance. But I cannot control their actions.
- I can recognize that success in my role doesn't mean everyone will be happy.
  - I am here to ensure employees receive all benefits they are entitled to under law.
  - I am also tasked to safeguard the resources of the Federal Government and U.S. taxpayers.
  - Sometimes the answer is "No".
- I can cut through the noise and get things done. I can set and keep priorities but also be flexible for the newly injured.

# What can I control?

- I can be proactive and not reactive.
- I can adapt to changing circumstances. When I am overwhelmed, I can:
  - Prioritize
  - Adjust
  - Persevere
- I can set high but realistic goals and work every day to meet them.
- I can keep my word. DWYSYWD.

**And the best habit of all is...**

**Do your best and go home!!!**