

VA WORKERS' COMPENSATION PROGRAM

1. **REASON FOR ISSUE:** To update the Department of Veterans Affairs (VA) Office of Workers' Compensation Programs policy.
2. **SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive sets forth policy for managing Workers' Compensation Programs within VA. The directive contains:
 - a. The commitment and responsibility all of VA has for supporting employees who have been injured on the job.
 - b. Requirement for prompt action on injury claims and returning employees to duty as soon as possible.
 - c. Requirement to notify employees of their rights and responsibilities.
 - d. Requirement to apply appropriate leave procedures.
 - e. Establishment of policies regarding retention of program files, access to Federal Employees' Compensation Act (FECA) data.
 - f. Identification of responsibilities for implementing and managing the program.
 - g. Identification of new roles for designated Workers' Compensation Official and Agency Maintenance User.
 - h. Identification of privacy responsibilities for individuals tasked with Workers' Compensation Program duties.
3. **RESPONSIBLE OFFICE:** Office of the Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness (006).
4. **RELATED HANDBOOK/DIRECTIVE:** None.
5. **RESCISSIONS:** Directive 5810, Managing Workers' Compensation Cases and Costs dated October 23, 2007.

CERTIFIED BY:

/s/
Dat P. Tran
Acting Assistant Secretary for
Enterprise Integration

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
Gina M. Grosso
Assistant Secretary for Human
Resources and Administration/
Operations, Security and Preparedness

DISTRIBUTION: Electronic only

WORKERS' COMPENSATION

1. **PURPOSE.** The purpose of this directive is to provide policies for managing the Department of Veterans Affairs' (VA) Workers' Compensation Programs for all employees and former employees using case management techniques, transitional duty assignments and rehabilitation and reemployment of partially disabled claimants. The Federal Employees' Compensation Act (FECA) provides benefits to employees of the Federal government who sustain work-related injuries or illnesses. This policy applies to all VA employees and their supervisors regardless of type of appointment. Contract employees, volunteers and loaned employees may also be covered under limited circumstances. Determinations regarding coverage of these cases must be made on an individual basis by the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP).
2. **POLICY.**
 - a. VA is committed to maintaining a safe and productive workforce. When employees are injured on the job, VA organizations will work tactfully and quickly to obtain appropriate benefits to the injured employee and to provide proper stewardship of Federal funds expended for Workers' Compensation.
 - b. VA Administrations and the other WC Program Offices (Office of Acquisition, Logistics, and Construction, Office of Information Technology, Veterans Affairs Central Office, and Veterans Canteen Service) will take prompt action regarding all work-related injuries and/or illnesses to ensure employees receive the appropriate benefits expeditiously and are returned to duty as soon as possible.
 - c. Limited Duty Assignments: Employees who are partially disabled due to work-related injuries or illnesses will work with their Workers' Compensation Official to transition to limited-duty assignments consistent with their medical limitations and qualifications. Limited duty assignments must be in writing, of limited duration and shall not be considered indefinite or permanent in nature.
 - d. Leave: Unless the injury occurs before the beginning of the workday, time loss on the day of injury should be charged to Administrative Leave. Any time lost after the day of injury for medical treatment, examination, or disability, should be charged to the appropriate leave category or Continuation of Pay (COP), up to a maximum of forty-five (45) calendar days, if medical evidence supports disability. Administrative Leave or excused absence after the date of injury shall not be authorized in cases of work-related injuries.
3. **RESPONSIBILITIES.**
 - a. **Assistant Secretary for Human Resources and Administration and Operations, Security and Preparedness (A/S HRA/OSP) / Designated Agency Safety and Health Official (DASHO)** shall:

- (1) Advise the Secretary on Occupational Safety and Health related matters;
 - (2) Oversee management and administration of the Workers' Compensation Program;
 - (3) Assure coordination of the Workers' Compensation Program with the Occupational Safety and Health programs;
 - (4) Ensure there are adequate resources for VA's Office of Occupational Safety and Health (OSH) to function effectively and implement the Department's Workers' Compensation mission;
- b. **Under Secretaries, Assistant Secretaries and Other Key Officials** shall:
- (1) Ensure policies in this directive and its attachment are carried out;
 - (2) Comply with Workers' Compensation statutory requirements under the FECA;
 - (3) Maintain a management infrastructure to achieve Workers' Compensation Program implementation;
 - (4) Establish and maintain comprehensive Workers' Compensation programs and provide resources to support Workers' Compensation initiatives;
 - (5) Review the performance of their Workers' Compensation Program and develop internal strategies aligned to the VA WCSP, providing a performance report to the VA Office of OSH assessing key performance metrics and goals, operations and challenges. The report shall be due by October 31 each year, assessing the program performance for the previous Chargeback Year (July 1 – June 30).
 - (6) Ensure Facility Directors code employee time and attendance records correctly and identify Continuation of Pay (COP) appropriately;
 - (7) Ensure facility Workers' Compensation records are retained in accordance with all record-keeping policies. OWCP case records may be stored in paper or electronic format, except for claim forms ([CA-1](#), [CA-2](#), [CA-5](#), [CA-7](#), or equivalent) with original signatures, which must be retained in paper format. Electronic records should be stored securely and with redundant backup for the required retention period and should be clearly legible and in a common format likely to be retrievable and readable for the life of the record. Except for the original claim forms, all documents in a claim file are considered by OWCP to be copies of the official case file, which is maintained by OWCP. Retain all case file copies for three (3) calendar years after case closure by OWCP, after which all copies of records may be disposed of securely (shredded, burned or securely erased), except for claim forms, which must be retained. The claim forms should be retained

securely in a retrievable manner for fifteen (15) years after the case file has been closed by OWCP and retained in hard copy format;

- (8) Ensure Workers' Compensation Specialists and other staff responsible for managing Workers' Compensation cases have access to information system security awareness training, to include FECA information security and ample time in which to complete the training. Workers' Compensation Specialist should complete the Talent Management System (TMS) course Workers' Compensation for First Line Supervisors, within ninety (90) days of initial assignment to Workers' Compensation duties;
- (9) Ensure Workers' Compensation Specialists and other officials responsible for Workers' Compensation case management will coordinate the facility Workers' Compensation Program with related parties, including, but not limited to the Designated Workers' Compensation Official, supervisors, attending physicians, OWCP and payroll to ensure that all required actions and/or communications are performed;
- (10) Ensure Facility Workers' Compensation Specialists and other officials responsible for Workers' Compensation case management will adhere to standards of conduct prescribed by OWCP, DOL and Federal regulations and not use their trusted position/access rights to exploit system controls or access data for any reason other than in the performance of official duties; behave in an ethical, informed and trustworthy manner; protect confidential and/or sensitive information from disclosure; and report security-related incidents or any incidents of suspected fraud, waste, or misuse of OWCP's systems to the Designated Workers' Compensation Official and appropriate Agency Information Security Officer, immediately;
- (11) Designate a primary and at least one alternate member to serve on the VA Workers' Compensation Steering Committee. The Administration or Key Office shall ensure their organization's representative has sufficient availability to commit to regular attendance at WCSC meetings and events. The representatives shall be VA employees appropriately placed within the organization to address Workers' Compensation Program issues;
- (12) Select an individual who shall have principal responsibility for managing the overall Workers' Compensation Program for their Administration or Key Office as the Designated Workers' Compensation Official; and,
- (13) Support the DASHO and the VA Office of OSH by:
 - (a) Notifying the VA Office of OSH of directives, policies, handbooks, procedures, memoranda and other pertinent documents that impact national policies and procedures or the WCSP. VA's OSH Director shall review such documents and provide preliminary comments and recommendations prior to issuance of such correspondence;

- (b) Coordinating with VA's Director of OSH as the Department's liaison with external organizations. Should the need arise to align policy or procedures, or develop a Memorandum of Understanding (MOU) with external organizations impacting the Department's OSH Program, the DASHO or VA's Office of OSH will determine appropriate participation in these meetings and discussions; and
 - (c) Notifying VA's Office of OSH of formal communication issued by Under Secretaries and Other Key Officials concerning Workers' Compensation and providing copies of this correspondence.
- c. **Assistant Secretary for Information and Technology and Chief Technology Officer in addition to responsibilities in Paragraph 3 b above, shall:**
 - (1) Ensure a VA Workers' Compensation Management Information System is available to officials designated by the VA Office of OSH;
 - (2) Ensure the VA Workers' Compensation Management Information System is routinely updated and maintained to meet the needs of the Department, including but not limited to: processing speed, data integrity, system compatibility, privacy, processing power, data storage size, client support, interagency compliance requirements and back-up services; and
 - (3) Ensure the VA Management Information System (MIS) is established as the sole application for workers' compensation across the enterprise.
- d. **HRA/ OSP Deputy Assistant Secretary for Administration** shall supervise the Department's Workers' Compensation directives, supervise the Director for Occupational Safety and Health, chair the department Workers' Compensation Steering Committee and provide general oversight of the Workers' Compensation Program.
- e. **Director, Office of Occupational Safety and Health** shall be responsible for VA's Workers' Compensation Program and provide support to the DASHO. Additionally, the Director shall:
 - (1) Recommend departmental policy and procedures that ensure the effective implementation of VA's Workers' Compensation Program and Workers' Compensation Strategic Plan;
 - (2) Implement performance measures and establish and monitor appropriate performance goals;
 - (3) Coordinate the Department's Workers' Compensation Steering Committee (WCSC), including facilitating the development of recommended departmental goals, objective, strategies and performance measures. This leadership includes recommending VA strategies and measures for the

WCSP to meeting Federal goals (e.g. Workers' Compensation claim timeliness and return-to-work);

- (4) Develop and analyze Workers' Compensation performance indicators that assist with the review of the effectiveness of Workers' Compensation Programs and educational initiatives;
 - (5) Analyze Workers' Compensation data from VA's Management Information System (MIS) and other information to identify areas that can be used to set new strategies for improving Workers' Compensation Program management;
 - (6) Coordinate departmental Workers' Compensation Program Review, reporting analysis to the DASHO and WCSC;
 - (7) Work with the WCSC to prepare departmental OSH training initiatives; and
 - (8) Manage VA's Management Information System to ensure the integrity of Workers' Compensation data, ensuring appropriate access to systems and privacy of the information contained therein.
- f. **Designated Workers' Compensation Official.** The Designated Workers' Compensation Official shall manage the overall Workers' Compensation Program for all VA organizations to which they provide personnel service and shall:
- (1) Ensure policies and procedures for managing the Workers' Compensation Program, consistent with FECA regulations, are documented for their Administration or Key Office. Policies shall include, at a minimum:
 - (a) How to notify injured workers of their rights and responsibilities;
 - (b) Training requirements for supervisors' responsibilities under the FECA;
 - (c) How to process claims and ensure timeliness requirements;
 - (d) How to develop transitional duty assignments; and
 - (e) Case management procedures.
 - (2) Provide privacy and security responsibilities for FECA data to safeguard claimant information covered by the Privacy Act, DOL/GOVT-1 System of Records and the published routine uses located therein. Any privacy violations or instances of noncompliance, e.g., release of information to individuals that have not been granted access to that data by a WC specialist, e.g., supervisor, will be reported to the appropriate Privacy Officer and to the Director of OSH for evaluation;

- (3) Ensure training is made available to Workers' Compensation Specialist, supervisors and other stakeholders on FECA regulations, privacy and security responsibilities for safeguarding claimant information, claims processing procedures, case management and other aspects of managing a successful Workers' Compensation Program;
 - (4) Represent their Administration or Key Office at the VA WCSC meetings;
 - (5) Ensure Workers' Compensation Specialist or other officials responsible for Workers' Compensation case management are processing and approve requests for restoration of Annual and Sick Leave (Leave Buy Back) via Form CA-7b – *Leave Buy Back Worksheet* - for employees with an accepted FECA claim. Requests must be submitted by the employee within one (1) year of the date of injury or disability began. Exceptions for extenuating circumstances may be made in consultation with the Director, Office of Occupational Safety and Health;
 - (6) Ensure an Agency Maintenance User (AMU) and alternate, with duties built into their job description and/or performance plan, are designated. The names of the AMUs will be provided to the Office of Occupational Safety and Health (00S1).
- g. **Agency Maintenance User:** The Agency Maintenance User (AMU) is responsible for system access maintenance for all Workers' Compensation information systems for their Administration or Key Office. The AMU shall:
- (1) Add, modify and delete Agency Reviewers;
 - (2) Assign settings at the department level;
 - (3) Set up Agency Groups;
 - (4) Customize settings for Agency Groups and organizations;
 - (5) Assign properties to multiple organizations;
 - (6) Add, update and delete duty stations;
 - (7) Input agency contact information; and
 - (8) Assign Agency Reviewer imaging licenses.

4. REFERENCES.

- a. Federal Employees' Compensation Act (FECA) ([5 U.S.C. § 8101](#), et seq.)
- b. Claims for Compensation Under the Federal Employees' Compensation Act ([20 C.F.R. § 10](#))

- c. Freedom of Information Act/Privacy Act (FOIA) ([5 U.S.C. § 552a](#))
- d. DOL Privacy Act Systems ([DOL/GOVT-1](#))

Appendix A: Charter for the VA Workers' Compensation Steering Committee**1. Objectives and Purposes.**

- a. Promote methods and procedures to improve Workers' Compensation Program management.
- b. Provide advice to VA's Assistant Secretary for Human Resources and Administration/Operations, Security and Preparedness on the Department's Workers' Compensation Program.
- c. Address Workers' Compensation Program goals, initiatives and performance.

2. Membership.

- a. Committee representation shall consist of one primary member and one alternate member from Administrations and Staff Offices.
- b. Each representative shall be nominated by the Chief Human Resources (HR) official, or equivalent official, from the member organization.
- c. The term of representation shall be indefinite. A replacement may be named by the member organization upon the departure of an incumbent, or when determined necessary by the Director, Office of OSH.
- d. Member Organizations. Representatives to the Committee shall be named from:
 - (1) Veterans Health Administration
 - (2) Veterans Benefits Administration
 - (3) National Cemetery Administration
 - (4) Office of Information and Technology
 - (5) Veterans Canteen Service
 - (6) Office of Acquisition, Logistics and Construction
 - (7) VA Central Office. The VA Central Office represents all Staff and Program Offices not otherwise already represented.
- e. Individual Members. Permanent standing membership to the Committee include:
 - (1) Deputy Assistant Secretary for Administration
 - (2) Director, VA Office of OSH

3. Member Responsibilities. Each representative shall:

- a. Provide input on the status of Workers' Compensation Programs, initiatives and goals within their organization; and
- b. Have the opportunity to:
 - (1) Provide input on Workers' Compensation Programs and initiatives within the Department;
 - (2) Provide input on Workers' Compensation goals, objectives and strategies within the Department; and
 - (3) Share best practices in the field of Federal Workers' Compensation.

4. Committee Support.

- a. VA Office of OSH will arrange:
 - (1) Meeting space;
 - (2) Equipment;
 - (3) Committee Meeting Minutes; and
 - (4) Meeting agendas.
- b. Member organizations will arrange for any specific requirements of designated representatives, including but not limited to, travel resources to attend Committee functions and events.