Department of Veterans Affairs
Washington, DC 20420

VA DIRECTIVE 5810/2
Transmittal Sheet
November 4, 1999

MANAGING WORKERS' COMPENSATION CASES AND COSTS

1. **REASON FOR ISSUE:** To revise the Department of Veterans Affairs (VA) Directive 5810/1, Managing Workers' Compensation Cases and Costs.

2. **SUMMARY OF CONTENTS:** Principal change is to reinstate paragraph 3e, which was inadvertently deleted in VA Directive 5810/1, dated July 9, 1999.

3. **RESPONSIBLE OFFICE:** Office of Occupational Safety and Health (00S1), Deputy Assistant Secretary for Administration.

4. **RELATED HANDBOOK:** None.

5. **RESCISSION:** VA Directive 5810/1, pages 3 and 4, dated July 9, 1999.

CERTIFIED BY:

Principal Deputy Assistant Secretary
for Information and Technology

BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

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MANAGING WORKERS' COMPENSATION CASES AND COSTS

1. **PURPOSE.** The purpose of this directive is to provide policies and procedures for managing workers' compensation cases and costs for all employees and former employees through the use of case management techniques, limited duty assignments, and rehabilitation and reemployment of partially disabled claimants.

2. **POLICY**

a. **Coverage.** The Federal Employees' Compensation Act (FECA) provides benefits to employees of the Federal Government who incur work related injuries or illnesses. This policy applies to all VA employees regardless of type of appointment. In addition, contract employees, volunteers, and loaned employees may also be covered under some circumstances. Determinations regarding coverage of these cases must be made on an individual basis (refer to 20 CFR, pt. 10, sec. 10.5).

b. **General Provisions**

(1) The Department of Veterans Affairs is committed to the maintenance of a safe and productive workforce. When employees are injured on the job, it is VA policy to cooperate fully with the Department of Labor, Office of Workers' Compensation Programs (OWCP) in providing appropriate benefits to them and to safeguard Federal funds expended for workers' compensation.

(2) VA officials will take prompt action with regard to all job-related injuries and or illnesses so that employees receive the appropriate benefits expeditiously and are returned to duty as soon as possible. Employees will be informed about their rights and responsibilities related to job-incurred injuries and illnesses.

c. **Limited Duty Assignments.** Employees who are disabled due to job-related injuries or illnesses will be provided limited duty assignments consistent with their medical limitations and qualifications. First consideration will be given to placing employees in a limited duty assignment within their current job classification and within their own service, division, or component. Limited duty assignments must be in writing.

d. **Leave**

(1) Employees are responsible for requesting appropriate leave and providing sufficient medical documentation to support the request.

(2) Unless the injury occurs before the beginning of the work day, 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). Administrative leave or excused absence after day of injury is not appropriate.

e. **Use of VA Medical Facilities**

(1) Employee Health Physicians or designees are authorized to examine and treat job-related injuries; however, employees must be informed, in writing, of the right to select a physician of their choice outside of VA for treatment. Employee Health Physicians may recommend to release from duty only those employees who are unable to perform any type of duty.

(2) When an employee elects to be treated at a VA facility, all medical services of VA will be provided to the extent that the Medical Center Director (or designee) determines that such treatment or service will not interfere with treatment or hospitalization of beneficiaries of VA. In addition to care and treatment, medical services also includes such services as: pharmacy prescription beyond the 3-day limit for employees, prosthetic appliances and equipment, CAT scans, MRIs, and therapy treatments.

(3) OWCP will not be billed by VA for emergency diagnosis and first treatment provided to employees for job-related injuries/illnesses. However, if outpatient treatment extends beyond the emergency diagnosis and first treatment, OWCP shall be billed as required by current appropriation laws and as currently prescribed by VHA Manual M-1, Part 1, Chapter 15, Charges and Payments for Medical Care. Employee Health Units/OWCP Specialists should assist by providing Medical Care Cost Recovery (MCCR) with the names of all employees receiving medical treatment for a job-related injury.

3. **RESPONSIBILITIES**

a. **Assistant Secretary for Human Resources and Administration.** The Assistant Secretary for Human Resources and Administration, as the Designated Agency Safety and Health Official (DASHO), is responsible for coordination of the workers' compensation program with the safety and health programs.

b. **Deputy Assistant Secretary for Administration.** The Deputy Assistant Secretary for Administration is responsible for general oversight of the workers' compensation program, including developing Department policies, providing advice and assistance to VA field facilities, conducting program evaluations, and providing liaison with the Department of Labor.

c. **Administration Heads, Assistant Secretaries, and Other Key Officials.** Administration Heads, Assistant Secretaries, and other key officials are responsible for ensuring that the policies set forth in this directive are carried out by all organizational elements under their jurisdiction.

d. **Field Facility Directors.** Field Facility Directors are responsible for implementing the policy and procedures in this directive, providing necessary resources for effective and efficient management of the workers' compensation program, and monitoring and controlling chargeback costs for the facility.

e. **Human Resources Management Officers or Appropriate Management Officials.** Human Resources Management Officers or appropriate management officials are responsible for managing the overall OWCP program for all facilities to which they provide service and will: