



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.

Washington, D.C. 20240

IN REPLY REFER TO:

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DIRECTOR'S ORDER #50A: WORKERS' COMPENSATION CASE MANAGEMENT

Approved


Director, National Park Service

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1. BACKGROUND

The NPS seeks to provide a safe and healthful work environment and to minimize the pain, human suffering and financial costs associated with work-related injuries and illnesses. In recent years, the NPS's record of losses due to employee injury and illness has been at an unacceptably high level. Consequently, the NPS is making the reduction of employee accidents a top priority of every manager and employee. The NPS will institutionalize the philosophy of "safety first, every job, every time."

This chapter of Director's Order #50 focuses only on workers' compensation case management, which deals with employees¹ who are unable to perform the full range of their regular duties due to work-related injury or occupational illness. It is one in a series of policy and procedural actions intended to reduce drastically the NPS's loss of time and money due to injuries and illnesses. Other policies and required procedures will be added gradually to Director's Order #50 to supplement this chapter and to document the NPS's overall program for "Risk Management."

Because injury and illness can vary greatly in duration, employee disability cases may be described as either *short-term* or *long-term*. Short-term case management applies to employees who are expected to return to the workforce at their regular job within 1 year. The NPS has primary responsibility for short-term case management.

¹ In this Director's Order, the term *employee* includes volunteers and Youth Conservation Corps enrollees under the direct supervision of the NPS.

Long-term case management applies to employees who are unable to return to their regular job within 1 year, due to some manner of permanent disability or the need for long-term recovery. The Office of Workers Compensation Programs (OWCP), within the Department of Labor, has primary responsibility for long-term case management. However, because the benefits to which an employee is entitled are paid by the NPS, the NPS must maintain, primarily through the NPS's OWCP Manager and NPS OWCP Coordinators, an active interest in long-term case management and assist the Department of the Interior and the OWCP in returning these employees to active duty.

2. PURPOSE

The NPS's National Leadership Council is committed to improving substantially on the NPS workers' compensation case record, but it cannot succeed without the help of every NPS employee, supervisor and manager. The purpose of this chapter of Director's Order #50 is to emphasize the fact that the health and safety of NPS employees is a top priority for the NPS, and to establish a Workers' Compensation Case Management Program that will include the following seven elements:

- A. Respond immediately to the needs of injured or ill employees;
- B. Return injured employees to work when they are physically able to perform either their normal duties or alternative work assignments;
- C. Reduce the costs of workers' compensation to a more reasonable level;
- D. Improve communication between all parties involved in workers' compensation cases;
- E. Ensure compliance with NPS and Department of Labor regulations;
- F. Each park or area must have a designated OWCP Coordinator; and
- G. Identify clearly the responsibilities that employees, supervisors and OWCP Coordinators have for making the program successful.

This chapter of Director's Order #50 lays the policy and procedural foundation for the NPS's workers' compensation case management program, but is not intended to be a compilation of everything an employee or supervisor needs to know about the subject.

3. AUTHORITY

The authority for issuing this Director's Order is found in 16 U.S.C. 1 through 4 (the National Park Service Organic Act), and 5 U.S.C. 8101 et seq. (the Federal Employees' Compensation Act).

4. POLICIES / INSTRUCTIONS / REQUIREMENTS

It is the policy of the NPS to maintain a safe and healthful workplace for all employees. It is also the NPS's policy to minimize, through a pro-active approach to workers' compensation case management, the amount of lost work hours and associated costs due to work-related injuries or illnesses. The procedures outlined in section 5 will be used to manage all cases in which employees are receiving either Continuation-Of-Pay or Federal Employees' Compensation Act (FECA) benefits. All employees, supervisors and managers will be held accountable for compliance with these policies and procedures.

5. CASE MANAGEMENT PROGRAM

The seven elements of the NPS's case management program are as follows:

A. Immediate Response to Employee Needs

The NPS will take the following steps to assist an employee in getting the care he or she needs; the NPS will also provide information necessary for the employee to make informed decisions, eliminate paperwork errors that may delay treatment or benefits, communicate information about alternative work assignments; check on the status of the employee, and generally respond to the needs of the employee:

(1) When an employee is injured or becomes ill, the employee will notify his or her supervisor immediately.

(2) If emergency care is needed, the employee will complete the necessary paperwork after the employee is treated.

(3) The supervisor will promptly contact the OWCP Coordinator and complete a "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" form (CA-1), or "Federal Employee's Notice of Occupational Disease and Claim for Compensation" form (CA-2) using the Safety Management Information System.

(4) For non-life threatening medical treatment, the OWCP Coordinator must be notified during normal business hours.

(5) The supervisor will also notify the local or regional safety officer.

(6) Employees will be given the proper forms, and questions will be answered along with guidance for completion of the forms.

(7) The supervisor, OWCP Coordinator, and/or safety officer will render services to the employee, which may include actions such as family notification, explanation of benefits, and transportation.

B. Alternative Work Assignments (AWAs)

The healing process is often aided by returning a recuperating employee to the work environment. While the employee's condition may temporarily prevent the performance of his or her normal duties, there are almost always opportunities for the employee to be useful in other ways. For *short-term* case management, the employee will participate in an alternative work assignment (AWA). An AWA is a temporary job assignment that accommodates the employee's injury or medical limitations. AWAs will be administered in the following manner:

(1) Identification of potential AWAs should begin as soon as the employee's immediate medical needs are met, preferably the day of the incident. Delays can result in lost work time which would not have been necessary if the proper paperwork had been immediately available. It is therefore important to invest in pro-active planning and to use the Safety Management Information System to generate a CA-1 or CA-2.

(2) Doctors may tend not to release an employee back to duty when the employee explains that his or her regular duties require hiking, heavy lifting, firefighting, etc. Without sufficient knowledge of what type of alternative work assignments might be available, and what the physical requirements of those assignments are, doctors may understandably be reluctant to release someone to alternative work. Therefore, generic examples of alternative work assignments have been classified for several different NPS work functions. NPS supervisors may use these as applicable or create their own.

(3) Supervisors will review the AWAs and identify assignments that may be performed in the event that an employee is unable to perform his or her regular duties. When an employee is unable to perform his or her regular duties, the supervisor will select two or three AWAs to submit to the physician. The supervisor and OWCP Coordinator are responsible for the selection and submission of the AWAs to the physician. Several AWAs may be used for an employee as conditions dictate, provided each is approved by the attending physician. AWAs continue until such time as the physician permits the employee to return to regular duty or a final determination is made regarding the employee's work status.

(4) Typically, employees will be assigned alternative work within their normal division or workgroup. However, if the supervisor does not have work that the employee can perform, other supervisors will cooperate to ensure that the employee is assigned to another area where a need exists. Supervisors are responsible for overseeing any AWAs and providing any instruction needed by the employee.

(5) It is vital that all parties understand the duties and restrictions of any AWA being used. The AWAs will be in writing and signed by the physician, supervisor, and employee. Supervisors and employees will maintain copies of AWAs involved in a particular case; the original signature.

C. Reduce FECA Costs

Eliminating or reducing time away from work through the use of AWAs will also reduce Continuation-Of-Pay costs and the potential for employees to be placed on long-term compensation rolls. In addition to AWAs, the following steps will be taken to help reduce FECA costs:

(1) While employees have the choice of initial treatment for injury or illness, they will be encouraged to, when possible, schedule a regular office visit to a physician instead of routinely using an emergency room for diagnosis and treatment. The use of an emergency room often costs four or five times what a normal office visit costs.

(2) OWCP Coordinators will become familiar with the OWCP nurse intervention program and other programs available that have the potential for improving case management and/or reducing costs. The nurse intervention program provides a nurse to work directly with the employee with the intent of helping that employee return to the work environment as soon as possible.

(3) In long-term case management, park OWCP Coordinators will remain current on cases, keep up to date on medical conditions, and have suitable jobs available when it is determined by the DOI's Special Employment Services that an employee is physically capable of returning to work.

D. Communication

Communication will be fostered through the following actions:

(1) Upon implementation of the employer's local AWA program, the OWCP Coordinator should meet and discuss the program with local physicians and appropriate medical center personnel. In some locations this may be impractical, and the first contact with a physician may be when an employee is injured. In this situation, an alternative form of physician notification (i.e., an addition to the "Authorization for Examination and/or Treatment" form (CA-16)) should be completed. In either case, communication with the medical community is crucial in the AWA process.

(2) Both the employee and the supervisor are responsible at the time of treatment for informing the physician about the existence of AWAs.

(3) Supervisors and OWCP Coordinators will maintain frequent contact among themselves during a lost-time incident or AWA phase.

(4) Supervisors will maintain personal contact at least weekly with any employee who is absent from work due to an injury or illness. The purpose of this contact is to show concern, to learn of any needs that the supervisor may assist with, and to determine the employee's potential for returning to work; the purpose is not to pressure the employee to return to work.

(5) OWCP Coordinators will be familiar with the AWA program, keep all necessary records, and answer questions from employees, supervisors, or the medical community.

E. Regulatory Compliance

Regulatory compliance will be enhanced through the following activities:

(1) The OWCP Coordinator will provide the employee and supervisor with lists of responsibilities and steps necessary to manage short-term and long-term cases. These lists of program responsibilities will outline the forms that must be completed, when they are due, who will complete them, and where they will be sent.

(2) Supervisors and OWCP Coordinators will take extra care to ensure that all necessary paperwork is completed within prescribed time limits and sent to the appropriate recipient.

F. Case Management Responsibilities

Regional Directors and superintendents may assign the following responsibilities to individuals other than those indicated, provided that the assignment is communicated in writing:

(1) Employee Responsibilities

(a) Report any work-related injury or illness to the supervisor immediately after becoming aware of that condition.

(b) Pick up completed CA-1 or CA-2 from his/her supervisor and sign it.

(c) If medical treatment is necessary, pick up completed CA-16 from the supervisor, OWCP coordinator, or another locally designated contact person before the physician's visit.

(Emergency medical care is the only exception to this procedure. In an emergency, the employee first receives immediate care. The supervisor may authorize medical treatment by telephone and then forward the completed CA-16 to the medical facility within 48 hours.)

(d) Seek medical treatment. If it appears that there will be any work restrictions because of the injury, AWAs available at the park or central office should be discussed with the physician.

(e) Return the completed CA-16 or equivalent medical evaluation form to the OWCP Coordinator.

(f) Inform the supervisor immediately of any medical limitations or restrictions (these should be specified in writing by the physician). Discuss possible AWAs with supervisor.

(g) If the doctor thinks the employee will be disabled longer than 45 calendar days, a "Claim for Compensation on Account of Traumatic Injury or Occupational Disease" form (CA-7) must be submitted during the last 2 weeks of the 45-day period. At that time, a medical report from the doctor must be provided to the supervisor and OWCP Coordinator showing why the employee will not be able to return to work at the end of the 45 days.

(h) Return to regular duty as soon as the physician clears the employee to do so.

(i) Avoid activities while on injury compensation that might aggravate the injury or condition and extend time away from work.

(j) Accept suitable offers by the employer of temporary AWAs not in conflict with medical limitations caused by the work-related injury or illness. The employee will be informed of his/her rights pursuant to any local collective bargaining agreement regarding the employee's rights to Union representation and rights to participate in the grievance procedure.

(k) Ensure that all claims for disability compensation or medical treatment due to work-related injury or illness are supported by medical evidence in writing from a physician. If an employee fails to submit this required written medical evidence to his or her supervisor or the OWCP Coordinator within 10 workdays or refuses suitable work that is offered, Continuation Of Pay may be terminated by OWCP.

(l) In *long-term* absence from work, respond promptly to any job offer made by the NPS or other Federal agency. Failure to accept the job or to provide OWCP within 30 days with an explanation for refusal will result in termination of compensation payments.

(2) Supervisor Responsibilities

(a) Ensure that all employees and others who are covered by worker's compensation (volunteers, YCC, etc.) are oriented to this program.

(b) Seek emergency medical care for employee if necessary.

(c) Immediately notify OWCP Coordinator and area safety officer during normal business hours.

(d) As necessary, arrange for transportation to medical provider and provide for reasonable immediate needs of employee (e.g., family notification). Supervisor or designee may accompany employee to medical provider, coordinate AWAs and answer any questions from medical provider regarding work-related issues.

(e) Investigate the accident/incident and enter information on the Safety Management Information System (SMIS). From the SMIS, generate CA-1 or CA-2 forms. Complete their portion of the appropriate form.

- (f) Complete supervisor's portion of the CA-16 and CA-17 and any other required forms as necessary. After any emergency telephone authorization of a CA-16, submit completed CA-16 form to the medical facility within 48 hours of treatment.
- (g) If this is a lost-time incident, select potential alternative work assignments (AWAs) based on expected limitations and submit them to the OWCP Coordinator. (Supervisor also contacts any other work group supervisor who will be affected by an AWA.)
- (h) Select and/or adjust AWAs based on any conditions or limitations placed on employee by medical provider and adhere to any of those limitations.
- (i) Provide employee with AWA form for employee's review and signature and provide a copy of the assignment to the employee. (Supervisor of AWA provides any necessary instructions or training regarding those assignments.)
- (j) Sign all AWAs and forward the original to the OWCP Coordinator.
- (k) Inform the OWCP coordinator of the status and any problems or potential problems regarding a particular case.
- (l) Coordinate with timekeeper to ensure that proper codes are entered on timesheets in order to correctly track any Continuation of Pay and light duty hours.
- (m) Maintain personal contact at least once a week with any injured employee who is away from the workplace.
- (n) In *long-term* cases, cooperate with the OWCP Coordinator and continue to look for opportunities for employee to return to duty.

(3) OWCP Coordinator Responsibilities

The OWCP Coordinator is the NPS employee designated by the park or area manager as a point of contact to process and manage data necessary for complying with NPS and OWCP requirements for workers with occupational injuries or illnesses.

- (a) Where practical, contact local medical community to provide overview of the alternative work program.
- (b) Obtain completed CA-1 or CA-2 from supervisor.
- (c) Process required OWCP paperwork within time guidelines established by the NPS and/or OWCP.
- (d) Establish OWCP case file and maintain workers' compensation tracking log, case record form, or locally produced equivalents.
- (e) Coordinate with employee's supervisor the selection of AWAs and submit potential assignments to employee's physician for approval and signature.
- (f) Contact medical providers for updates on employee's work status and maintain information and records as necessary.
- (g) Act as liaison with OWCP claims examiners. Maintain contact with examiners on a regular basis for open claims. Alert claims examiner if claims are likely to exceed 45 days.
- (h) Provide advice to supervisors and employees regarding details of workers' compensation case management, including lists of responsibilities that identify the steps necessary to manage short-term and long-term cases.
- (i) In *long-term* case management, coordinate with NPS OWCP Manager as to whether employee is fit to return to duty, and what medical restrictions may apply. Identify potential

jobs for the employee, contact employee to advise that a job is available, and confirm in writing, with a copy to the OWCP district office.

(4) OWCP Manager Responsibilities

The OWCP Manager is responsible for developing and managing a servicewide program which facilitates the reduction and management of all OWCP cases. This position is located in the division of Risk Management, which is under the Associate Director, Park Operations and Education in Washington, D.C. The OWCP Manager will:

- (a) Focus on aggressive case management, nursing intervention, retraining, fraud investigation, and reducing the number of long-term worker's compensation cases.
- (b) Represent the NPS on OWCP committees and at various meetings and national conferences.
- (c) Develop and coordinate NPS training activities aimed at reducing the number of, and properly managing, worker's compensation cases.

(5) Other Responsibilities

The Associate Director for Park Operations and Education will prepare and issue specific examples of Alternative Work Assignments and sample forms and letters. The superintendents will ensure that all responsible parties adhere to and implement the Workers' Compensation Case Management Program in their respective parks.

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