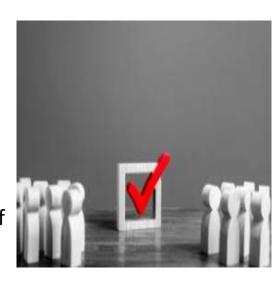
Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs

Presented by:

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Summary

- The Office of Workers' Compensation Programs (OWCP) has adopted a **set of expectations** regarding the conduct of representatives who interact with OWCP staff.
- OWCP strongly respects and values the role of attorney and non-attorney representatives who help injured and ill workers apply for benefits from OWCP programs.
- The intent is to **respond to inappropriate behavior** on the part of a small percentage of representatives and to **generally clarify and ensure a common understanding** of how party/claimants should conduct themselves in dealings with OWCP.
- The expectations apply to claimants and representatives who interact with any divisions within OWCP. These divisions include Federal Employees' Compensation, Black Lung, Longshore, and Energy programs.



Development of Expectations

- In July 2021, OWCP formed a 20member working group from across all OWCP divisions.
- The mission of the working group was strongly supported by DOL leadership
- The expectations were developed based on the findings and input of three subgroups:
 - Authority and Enforcement
 - Standards and Comparisons
 - Instances and Examples
- They were published in the Federal Register on November 7, 2022.



Expectations for Representatives Appearing Before the Office of Workers' Compensation Programs, 87 Fed. Reg. 67075-67076 (November 7, 2022)

ACUS Project

- Administrative Conference of the United States (ACUS) launched project on "Regulation of Representatives in Agency Adjudicative Proceedings" in 2021
- Offered best practices for agencies to consider when developing rules governing the participation and conduct of attorneys and non-attorneys who represent parties in adjudicative proceedings.
- Promote accessibility, fairness, integrity, and efficiency in agency adjudicative proceedings.

Regulation of Representatives in Agency Adjudicative Proceedings | Administrative Conference of the United States (acus.gov)

Purpose and Scope

- OWCP strives to treat all claimants, parties and their representatives with courtesy and respect, and prohibit discrimination and/or harassment against their employees based on protected characteristics.
- OWCP expects that claimants, parties and their representatives will extend that same courtesy and respect to OWCP employees.
- In light of this expectation, all attorneys and other persons authorized to act on behalf of a party/claimant should both provide competent assistance to the party/claimant and recognize OWCP's authority to lawfully administer the process.
- OWCP expects all representatives to adhere to the guidelines.

Expectation of Affirmative Conduct

- Be truthful in dealings with claimants, other parties, and with OWCP and its programs.
- Act with reasonable promptness to assist the party/claimant with obtaining the information or evidence that must be submitted under OWCP's regulations and forwarding the information or evidence to OWCP for consideration as soon as practicable.
- Assist the party/claimant in complying, as soon as practicable, with OWCP's requests for information or evidence at any stage of the administrative decision-making process in their claim.



Expectation of Affirmative Conduct

- For business conducted with OWCP electronically, conducting such business at the times and in the manner prescribed by OWCP.
- Ensuring that all the representative's employees, assistants, partners, contractors, and any other person assisting the representative on claims for which the representative has been appointed, are aware that they are expected to comply with these guidelines.



Unacceptable Conduct Overview

- Engaging in disrespectful and obstructive behavior does not benefit parties/claimants and interferes with proper administration of the claims process.
- OWCP expects that a representative will not engage in the following activities:



Unacceptable Conduct Examples

- Undertake representation in any matter when they are legally barred from doing so.
- Communicate with OWCP or other parties or representatives in a threatening or disrespectful manner. OWCP may restrict the communication methods of a representative who does not meet this expectation.
- In any manner or by any means, threaten, coerce, intimidate, deceive or knowingly mislead a party/claimant or prospective party/claimant regarding the availability of benefits or other rights under the relevant Act.

Unacceptable Conduct Examples

- Willfully misleading the party/claimant or prospective party/claimant about the representative's services and qualifications.
- Knowingly make or present false or misleading oral or written statements, evidence, assertions, or representations about a material fact or law.
- Through their own actions or omissions, unreasonably delay or cause to be delayed the processing of a claim.
- Divulge the party/claimant's confidential information outside of the claims adjudication process without their consent.

Unacceptable Conduct Examples

- Attempt to influence, directly or indirectly, the outcome of a decision, determination or other administrative action by:
 - Threatening harm (either physical or otherwise) to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be involved in the administrative decision-making process; or
 - ❖ Offering anything of value to a presiding official, OWCP employee, or other person who is or may reasonably be expected to be involved in the administrative decision-making process.

*OWCP will report any such threats or offers to appropriate authorities.

Unacceptable Conduct Examples

- Refusing to comply with any of our rules or regulations.
- Requesting or assisting another person to violate our rules or regulations.
- Advising any party/claimant or person not to comply with any of our rules or regulations.
- Engage in actions, behavior, or conduct that is discriminatory or harassing, and based on protected characteristics.



Questions



Questions can also be submitted to DEEOIC-Outreach@dol.gov

Thank you very much for attending the DEEOIC Webinar