

FECA OVERVIEW

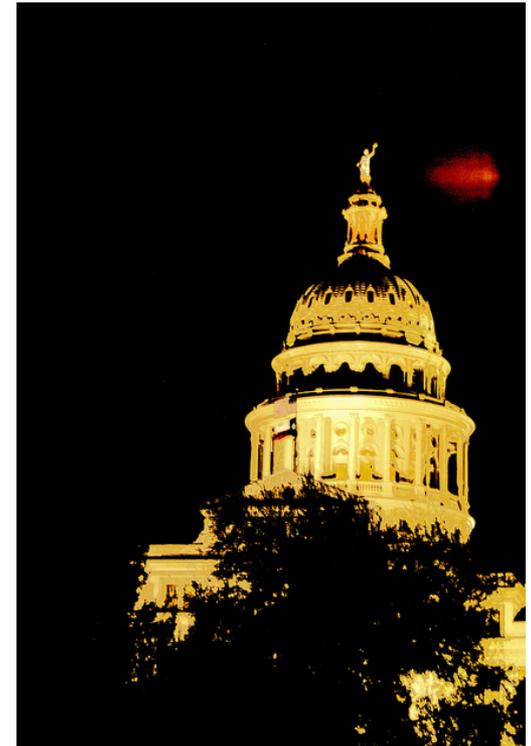


FECA OVERVIEW

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Historical Overview

- The Federal Employees' Compensation Act, or FECA (5 U.S.C. §8101 et seq.) was enacted in 1916
- The last revision to the FECA statute occurred in 1974
- The most recent regulatory changes were finalized in 2011



Historical Overview

- The essential purpose of the Act is to provide benefits to Federal civilian employees who are injured on the job.
- Benefits include:
 - Medical benefits likely to cure, give relief, reduce the period of disability, or aid in lessening the amount of compensation
 - Compensation benefits for disability, loss of wage earning capacity, and permanent impairment
 - Vocational Rehabilitation assistance



Purpose

The FECA provides benefits for civilian employees of the United States for work-related injuries/death. Benefits include:

- Payment of medical expenses for injury-related care and compensation for wage loss
- Payment of benefits to survivors of employees (spouse and dependents) if a work-related injury or disease causes an employee's death
- Payment of burial expenses to qualified survivors of a Federal employee in cases of employment-related death



Purpose

- The Division of Federal Employees' (DFEC) provides workers' compensation coverage to approximately three million Federal and Postal workers around the world for employment-related injuries and occupational diseases.
- Federal civilian employees are covered by virtue of their employment status. The costs incurred in the provision of medical and compensation benefits are paid from the Employees' Compensation Fund, which OWCP administers.

Is OWCP a retirement program?

The FECA does not provide retirement benefits. Employees who fully or partially recover from their injuries are expected to return to work.

However, the FECA provides rehabilitation services to partially disabled employees for the purpose of assisting them in their return to work in a suitable position.



OWCP Structure and Jurisdiction

There are 4 Divisions of OWCP:

1. Division of Federal Employees' Compensation
2. Division of Longshore and Harbor Workers' Compensation
3. Division of Coal Mine Workers' Compensation
4. Division of Energy Employees' Occupational Illness Compensation

DFEC Structure

- DFEC – National Office
 - Director
 - Deputy Directors
 - 5 Branches – Policies, Regulations and Procedures, Automated Data Processing (ADP) Coordination and Control, Technical Assistance, Fiscal Operations, and Hearings and Review
- 12 District Offices



DFEC District Office Structure

- DFEC field operations are administered by a regional director (RD) in each region.
- The RD serves as the chief executive for OWCP programs within the region and presides over one or more OWCP district offices within the region.
- Each district office is headed by a district director, who is responsible for ensuring that FECA claim functions are administered in a timely and efficient manner.

FECA Office Overview

District Office Jurisdiction



DFEC District Office Jurisdiction

- District 1 -- Boston, MA: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont.
- District 2 -- New York, NY: New Jersey, New York, Puerto Rico and the Virgin Islands.
- District 3 -- Philadelphia, PA: Delaware, Pennsylvania, West Virginia and Maryland except injured workers who reside in an area roughly encompassing Prince George's County.
- District 6 -- Jacksonville, FL: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee

DFEC District Office Jurisdiction

- District 9 -- Cleveland, OH: Indiana, Michigan and Ohio.
 - Also handles claims for employees injured overseas, employees claiming injury due to Gulf War syndrome, radiation or Agent Orange, Peace Corps and VISTA volunteers, Reserve Officers' Training Corps (ROTC) Cadets, members of the Coast Guard Auxiliary and temporary members of the Coast Guard Reserve and certain non-Federal claims, like War Hazard Compensation Act.
- District 10 -- Chicago, IL: Illinois, Minnesota and Wisconsin.

DFEC District Office Jurisdiction

- District 11 -- Kansas City, MO: Arkansas, Iowa, Kansas, Missouri and Nebraska; also handles employees of DOL outside of Midwest region.
- District 12 -- Denver, CO: Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah and Wyoming.
- District 13 -- San Francisco, CA: Arizona, California, Hawaii, Nevada and Pacific territories and possessions.
- District 14 -- Seattle, WA: Alaska, Idaho, Oregon and Washington.
- District 16 -- Dallas, TX: Louisiana, Oklahoma and Texas.

DFEC District Office Jurisdiction

- District 25 -- Washington, DC: District of Columbia, Virginia and Maryland when the injured worker resides in an area roughly encompassing Prince George's County.
 - Handles cases involving security considerations (and similar considerations), including those arising from the National Security Agency and the Central Intelligence Agency; also handles employees of DOL in Midwest region

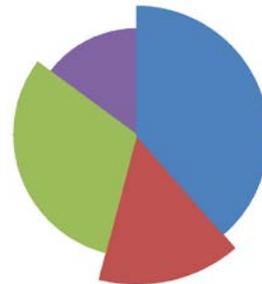
Financing of FECA Benefits - Chargeback

- The chargeback system is the mechanism by which the costs of compensation for work-related injuries and deaths are assigned to employing agencies.
- A compensation claim is identified as belonging to a particular agency based on the agency code that is entered into the OWCP data processing system when the case is created.
- Federal employers reimburse the fund for the amounts paid to its employees in workers' compensation benefits through the chargeback system.



Financing/Chargeback

- The agencies include these amounts in their budget requests to Congress. The sums appropriated or obtained from operating revenues are deposited in this fund.
- Each year, OWCP furnishes each agency with a statement of payments made from the fund on account of injuries to its employees.
- An annual report is made at the end of the fiscal accounting period which runs from July to June for this purpose.



Chargeback Report

- Each agency receives a quarterly report which provides a breakdown of cases and charges.
- The report can be used to identify and correct errors before an agency is billed for them. The agency should review their quarterly report for incorrect entries.
- Requests for changes/corrections should be made within 90 days of receipt of the quarterly report to the District Director having jurisdiction of your region.



Exclusiveness of Remedy

- Benefits provided under the FECA constitute the sole legal remedy available to a civil employee against the United States for work-related injury or death.
- A Federal employee or surviving dependent is not entitled to sue the United States or recover damages for such injury or death under any other law for an accepted work injury.



Regulations – Rights of the Injured Employee

- The regulations set forth in 20 CFR §10.15 address waiver of compensation. No employer or other person may require an employee or other claimant to enter into any agreement, either before or after an injury or death, to waive his or her right to claim compensation under the FECA.
- No waiver of compensation shall be valid.

Rights of the Injured Employee

- Individual cases are protected under the Privacy Act.
 - only the employee, his/her representative and agency personnel may routinely have access to information concerning the compensation claim. The documents that make up the claim file are covered under a system of records (DOL/GOVT-1). DOL owns all records created in connection with the claim – including the ones maintained by the employer.
- HIPAA does not apply to OWCP or employing agencies as it relates to information concerning the compensation claim.



Questions

The Federal Employees' Compensation Act provides benefits to Federal civilian employees who are injured on the job. Included in those benefits are:

- a) Compensation benefits for disability
- b) Vocational Rehabilitation assistance
- c) Payment of benefits to survivors of employees if a work-related injury or disease causes an employee's death
- d) Medical benefits likely to cure, give relief, or reduce the period of disability.
- e) All of the above

Questions

If you are injured while performing your Federal employment duties, you can retire on workers' compensation benefits.

- a) True
- b) False

Questions

When an employee receives medical or wage-loss compensation from the Office of Workers' Compensation, the costs associated are assigned to:

- a) The Office of Workers' Compensation Programs
- b) The agency the employee was working for at the time of injury
- c) Congress

Questions

An injured Federal employee has the right to sue the United States government for a work-related injury or death.

- a) True
- b) False

Take Away Tips

- 1) The Federal Employees' Compensation Act (FECA) provides benefits to Federal civilian employees who are injured on the job.
- 2) The Division of Federal Employees' (DFEC) provides workers' compensation coverage to Federal and Postal workers around the world for employment-related injuries and occupational diseases.
- 3) DFEC is comprised of the National Office and 12 District Offices.
- 4) The chargeback system is the mechanism by which the costs of compensation for work-related injuries and deaths are assigned to employing agencies.

Take Away Tips

- 5) Benefits provided under the FECA constitute the sole legal remedy available to a civil employee against the United States for work-related injury or death.
- 6) No employer or other person may require an employee or other claimant to enter into any agreement, either before or after an injury or death, to waive his or her right to claim compensation under the FECA.
- 7) Individual cases are protected under the Privacy Act.