

OWCP PROCEDURE MANUAL PART 1 - ADMINISTRATION

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**** **NOTE:** The above link **LINKS EXTERNALLY** to a separate infobase/reference name **PRIVACY**. When you use this link, Folioviews opens the **PRIVACY** reference while keeping this reference open (in background) as well. To 'toggle' back and forth between references, click once on 'Window' and choose open infobase.

Chapter 1-0100 - OWCP Directives

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1. Purpose and Scope. This chapter describes the directives system that the Office of Workers' Compensation Programs (OWCP) uses. It establishes responsibilities and procedures for directive preparation and review and provides instructions for directive formatting and editing. All OWCP personnel who work with directives are subject to its provisions.

2. Authority.

a. Federal Property Management Regulation (FPMR) 101-11.209-3 (41CFR 101-11.209-3).

b. Departmental Regulations (DLMS 1-100).

3. Definitions. OWCP uses various types of directives to issue instructions, policy, and information. These directives may originate in either OWCP or one of the four programs that it administers (Federal Employees' Compensation, Black Lung, Longshore, or Energy).

a. External Directives. These directives target Congress, organizations outside of OWCP, or the general public as their audience and include Federal Register rules, notices, annual reports, and other written instructions.

(1) Annual Reports. There is a Congressionally required annual report for OWCP which contains information and statistics that cover program operations and administration.

(2) Longshore Industry Notices. The Longshore program issues notices to insurance carriers and self-insured employers to advise them of procedural, administrative, benefit rate, and other pertinent changes. They are printed on white letterhead paper.

(3) Division of Planning, Policy, and Standards Notices. These notices concern rehabilitation matters and inform rehabilitation counselors when procedures, reporting requirements, or other aspects of the rehabilitation program change. They are printed on white letterhead paper.

b. Internal Directives. OWCP uses these directives to provide staff with policy guidance,

procedures and other information.

(1) Permanent Directives. These include all OWCP standing instructions, policies, forms, guidelines, and procedures. They contain specific procedural directions or require continuing action and remain in force until superseded, canceled, or rescinded. Permanent directives are printed on white paper and may contain either new or revised material.

(a) Both the OWCP Procedure Manual and the four Division procedure manuals (Federal Employees' Compensation, Longshore, Black Lung, and Energy) are made up of permanent directives that establish policy and procedures. Changes are usually made to an existing manual or new material is added by issuing a permanent directive known as a transmittal. Pen-and-ink changes are permissible but only for form number, reference number, or typographical error corrections. Any other change requires that the entire page or, if necessary, the entire directive be reissued as a transmittal. These transmittals will be attached to a yellow transmittal sheet sequentially numbered from the beginning of each fiscal year.(see Exhibit 1).

(b) Division Program Memoranda contain case histories, judicial rationale, or other details related to procedural matters that are inappropriate for inclusion in the manual. They always clearly refer to the relevant manual provision(s), are issued on white letterhead and are self-transmitting (see Exhibit 2).

(2) Bulletins. Bulletins are directives that require one-time or temporary action. They typically involve two or more district offices or OWCP divisions and are effective only until the required action is completed or the described procedures are incorporated in the manual via a permanent directive. All Bulletins have an expiration date, are printed on blue paper (body of Bulletin only: any attachments are printed on white paper), and are discarded when they expire or when the required action is completed (see Exhibit 3).

(3) Circulars. Circulars are directives that transmit information to program staff. Circulars are printed on white letterhead and may be discarded after staff is aware of their contents (see Exhibit 4).

(4) OWCP Memoranda. OWCP memoranda transmit operational guidance to Regional and Program management.

(5) Other Communications. Other letters or documents may serve as

directives only if they apply to a single case or incident or are restricted to a one-time requirement at a single location. All standing instructions and policy guidance must be transmitted via the types of authorized directives described above.

4. Responsibilities.

a. Directive Preparation. The Director, Division of Planning, Policy, and Standards, OWCP is responsible for the preparation of annual reports and OWCP directives. The OWCP Division Directors are responsible for directive preparation within their respective jurisdictions. This includes:

- (1) Identifying areas where new directives should be developed or existing directives updated;
- (2) Preparing new directives or updating existing ones as required;
- (3) Ensuring that all directives support the Agency's mission and goals;
- (4) Ensuring that all directives are consistent with each other, comply with directive formatting and preparation requirements (see OWCP PM 1-100.6 below);
- (5) Maintaining current distribution lists and ensuring that each directive cover sheet indicates the correct distribution list at the bottom of the page; and

- (6) Maintaining indexes and checklists required for Freedom of Information Act, Employees' Compensation Appeals Board, and general reference.
- b. Clearance. Officials responsible for preparing OWCP directives are also responsible for obtaining all required clearances and signatures.
- (1) Initial Clearance. Drafts of directives are circulated for the purpose of soliciting comments/concurrences from all relevant offices, including regional and/or program district offices and any differences that may arise are reconciled.
- (2) Final Clearance.
- (a) Directives are coordinated and cleared with other elements of OWCP, including Regional Offices, when such directives involve procedures that may impact on their operations. Clearance signatures are obtained on Form OWCP-2 (see Exhibit 5); and
- (b) Directives are circulated to other offices (Office of the Solicitor, Office of the Secretary, ESA, OALJ, etc.) for final clearance when the concurrence of these offices is required. Clearance signatures are obtained on Form OWCP-2.
- c. Signature. Directives are signed by the Deputy Assistant Secretary for Workers' Compensation (OWCP directives) or the appropriate program head.
- d. Release. Directives must be released after signature to OWCP for review and publication. The issuing authority will maintain a copy of the directive as well as all comments, associated materials, and the original OWCP-2 clearance sheet. A folder containing the following must be forwarded to the Branch of Planning, Policy, and Review, Division of Planning, Policy, and Standards:
- (1) A camera-ready copy of the entire directive, consisting of cover sheet with distribution list indicated, text, exhibits, and any attachments, signed by the appropriate authority;

- (2) A computer disc containing the text of the entire directive, exhibits, and any attachments;
- (3) The name of a contact person who can answer any questions regarding the directive;
- (4) A copy of the clearance Form OWCP-2; and
- (5) Any special printing instructions, if appropriate.

5. Style and Format. Manual directive style and format shall follow that illustrated in this Chapter.

a. Margins. Margins are as follows: .42" at the top, .6" at the bottom; 1" at both the left and right.

b. Font. Use the "Courier 10 Pitch" for all manual directives.

c. Editing Rules. There are general rules that apply to the preparation of Procedure Manual directives.

(1) In order to ensure correct spacing when preparing a directive, set "tab and indent" function at .5".

(2) Do not right justify.

(3) Number paragraphs and sub-paragraphs as follows:

1.

a.

(1)

(a)

(i)

(4) Always indent at a setting of one-half inch between the number or letter paragraph designator and the heading or text of the paragraph.

(5) Leave approximately one inch at the bottom of each page to allow for revisions (this means stopping at about line 8.5).

(6) Spell out all numbers less than 10.

(7) Underline headings to the third sub-paragraph level, that is, to the (1) level, only.

(8) Spell out frequently used terms and titles the first time they appear, followed by the abbreviation within parentheses; use the abbreviation thereafter.

(11) Use the redline symbol "|" in the left margin to mark new text added to manual chapter pages (redline is a WordPerfect feature available on the personal computer; see Exhibit 6).

e. Exhibits. Illustrations, graphics, reprints, charts, forms and other attachments will be appended as exhibits and arranged numerically at the end of the chapter to which they pertain. Each exhibit will be numbered sequentially (Exhibit 1, Exhibit 2, Exhibit 3); multi-page exhibits will also carry the legend "page ___ of ___" centered at the bottom of each page. Place the expected directive release date in the lower left corner of each exhibit (see Exhibit 7).

6. Electronic Distribution. DPSS is responsible for distributing new OWCP and FECA directives to National and district office staff in Folioviews format which enables on-line access and word-search capability. Black Lung distributes directives in Personal Librarian format to Black Lung district offices.

Exhibit 1: Page 1 of 3

PROGRAM TRANSMITTAL PACKAGE COVER SHEET, TABLE OF CONTENTS AND SAMPLE PAGE

RELEASE -REVISION TO CHAPTERS 3-201, STAFF NURSE SERVICES, AND 3-500,
MEDICAL EXAMINATIONS, PART 3 - MEDICAL, FEDERAL (FECA) PROCEDURE
MANUAL

FECA TRANSMITTAL NO. 94-34

EXPLANATION OF MATERIAL TRANSMITTED:

Paragraph 7c(4) of PM 3-201 has been clarified to state that the nurse may recommend claimants

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February 1995

Exhibit 1: Page 3 of 3

**PROGRAM TRANSMITTAL PACKAGE
COVER SHEET, TABLE OF CONTENTS
AND SAMPLE PAGE**

FEDERAL (FECA) PROCEDURE MANUAL
2-600
Part 2 - Claims
Management

Chapter

Case

1. Purpose and Scope. The Federal Employees' Compensation Act (FECA) provides for payment of medical expenses, monetary compensation, and associated benefits for work-related injuries and illnesses. The Office of Workers' Compensation Programs (OWCP) is responsible for ensuring that all proper benefits are paid and that benefits do not continue after the effects of the work-related condition have ceased.

To fulfill these obligations, the OWCP is committed to providing benefits promptly and assisting

claimants in returning to either full or light duty as soon as possible. Active case management is essential in returning claimants to duty. In this process, the Claims Examiner (CE) systematically assesses the nature and extent of injury-related disability, then intervenes in the course of the disability, either directly or by referring the case for nurse or rehabilitation services.

This chapter outlines the major steps in prompting claimants to return to work. The procedures described are intended to address only adjudicated claims. Except for catastrophic injuries, they do not apply to cases where only continuation of pay (COP) is at issue (procedures for such cases are found in PM Chapter 2-807).

2. Policy. The purpose of this paragraph is to describe the projected outcomes of claims and the time frames for accomplishing them.

a. Outcomes. The most likely outcomes are as follows (all but the first assume disabling injury-related residuals):

(1) Complete recovery from employment-related disability without wage loss;

(2) Return to modified work with the previous employer and with no loss of wages;

(3) Return to work with a new employer and with no loss of wages, or with the previous or new employer and with a loss of wage-earning capacity (LWEC);

(4) Determination of LWEC without actual job placement, after reasonable assistance to return the claimant to work and notifications of rights and responsibilities;

FECA Tr. No. 95-02
October 1994

Exhibit 2: SAMPLE PROGRAM MEMORANDUM

PROGRAM MEMORANDUM NO. 281

SUBJECT: 5 U.S.C. 8114
Extra Duty Pay for Customs Inspectors

NOTE: This issuance supplements FECA Program Memorandum No. 278, which should be annotated accordingly.

In 1989, it was determined that Customs Inspectors were eligible for extra duty pay received between the hours of 5:00 PM and 8:00 AM and for all work performed on Sundays and holidays. However, the section of the law addressing extra pay for these employees [19 U.S.C. 267(a)] was recently amended by Public Law 103-66 to state unequivocally that such additional pay should be considered overtime pay. Therefore, in cases involving Customs Inspectors injured after January 1, 1994, this increment of pay can no longer be included in the pay rate.

District offices with specific cases requiring adjustment on the basis of this change have been notified of the cases involved.

THOMAS M. MARKEY
Director for
Federal Employees' Compensation

Dated:

Distribution: List No. 1

(Claims Examiners, All Supervisors, District Medical Advisors, Systems
Managers, Technical Assistants, Rehabilitation Specialists, and Staff Nurses)

Exhibit 3: SAMPLE PROGRAM BULLETIN

FECA BULLETIN NO. 95-4

Issue Date: November 14, 1994

Expiration Date: January 6, 1996

Subject: ADP - Automated Compensation Payment System (ACPS) and Debt Management System (DMS) Report Schedule - 1995.

Purpose: To provide the 1995 schedule for processing the periodic disability and death payrolls under the ACPS and the DMS weekly and monthly reports for calendar year 1995.

Applicability: Appropriate District Office and National Office personnel.

Action: All appropriate personnel are to be made aware of the periods and "cut-off" dates for the

ACPS periodic disability, death, and daily payrolls. The bi-weekly pay periods for health and life insurance purposes are also shown.

The production schedule for the DMS periodic reports is made available for the appropriate personnel.

Disposition: This bulletin should be retained in front of Part 5, Benefit Payments, Federal (FECA) Procedure Manual, until the indicated expiration date.

THOMAS M. MARKEY
Director for
Federal Employees' Compensation

Attachments

Distribution: List No. 2

(Claims Examiners, All Supervisors, Systems Managers, District Medical Advisors, Technical Advisors, Rehabilitation Specialists, and Fiscal and Bill Pay Personnel)

Exhibit 4: SAMPLE PROGRAM CIRCULAR

FECA CIRCULAR NO. 95-2

SUBJECT: Reduction of Copies of Printed Issuances

By now, all claims personnel within DFEC should have been trained to use Folioviews, the program's on-line reference system. Therefore, the National Office is reducing the number of printed copies of FECA bulletins, circulars, and transmittals directed to claims personnel. This change also affects District Medical Advisers, Staff Nurses, Rehabilitation Specialists, Technical Assistants, and Systems Managers, since they receive the same issuances as claims staff. It applies to newly hired employees as well as current staff.

Effective immediately, each district office will receive just one copy of each issuance, which should be added to the Procedure Manual in the office's library. This copy can be used for reproducing printed pages where necessary and for referring to the exhibits which cannot be placed in Folioviews at this time. (We are gradually adding these exhibits, but the program does

not allow for addition of tables and graphics, and copies of printed form letters will need to be scanned into the text.)

FECA bulletins, circulars and transmittals published in FY 95 are being indexed and entered into a Folioviews infobase called "BCT-FY95". (For transmittals, what now appears on the yellow cover sheet will be included in the infobase; the actual changes will be added to the chapters themselves.) Users will be advised twice a month by change controls of the newly released issuances.

Employing agency personnel, Federal unions, and others who routinely receive program issuances will continue to receive printed copies.

THOMAS M. MARKEY
Director for
Federal Employees' Compensation

Distribution: List No. 1

(Claims Examiners, All Supervisors, District Medical Advisers, Systems Managers, Technical Assistants, Rehabilitation Specialists, and Staff Nurses)

OWCP Tr. No. 95 - 03
February 1995

Exhibit 4

Exhibit 5: DIRECTIVE CLEARANCE FORM: OWCP - 2

Issuance Clearance Request

1. Type of Directive 2. Effective Date 3. Program\Division

4. Subject

5. Remarks

6. Distribution List No:

7.

CONCURRENCES

Name/Branch	Initials	Date	Remarks

8. Special Printing Instructions:

9. Signature of Person Initiating Directive 10. Date

Nov. 1991
OWCP-2

Form

OWCP Tr. No. 95-03
1995

Rev. February

Exhibit 5

Exhibit 6: "REDLINE EDIT"

1. Purpose and Scope. This chapter outlines the procedures for processing third party cases under the FECA. It covers the responsibility of various DO personnel in identifying and handling cases involving third party actions; the interrelationship between DO personnel and personnel of the Office of the Solicitor concerning these actions; and the handling of cases in which a Federal tort suit or other | litigation has been filed. Consideration of third party actions arises in the claims adjudication process. | Refer particularly to FECA PM 2-700.13, 2-800.3, and 2-806.6.

2. Authority.

a. 5 U.S.C. 8131 provides that if an injury or death for which compensation is payable under the FECA is caused under circumstances creating a legal liability on a person or persons other than the United States (a third party) to pay damages, the OWCP may require the FECA beneficiary to:

(1) Assign to the United States any right of action the beneficiary may have to enforce the liability, or any right the beneficiary may have to share in money or other property received in satisfaction of the liability; or to

(2) Prosecute the action in the beneficiary's own name.

b. 5 U.S.C. 8132 outlines the requirements and procedures for adjusting any compensation benefits that have been paid, or that may be payable, after recovery from a third person.

c. 20 C.F.R. 10.500-10.507 also covers cases involving the liability of a third party.

3. Responsibilities.

a. The Regional Directors. With the exception of certain USPS cases (see paragraph 29 below), Regional Directors (RDs) are responsible for the processing of third party cases under 5 U.S.C. 8131 and 8132. This responsibility has been delegated, through the District Director and Assistant District Director, to certain claims examiners. The RD shall delegate this responsibility to a minimum of two but not more than four claims examiners. These persons are known as designated claims examiners (DCE).

OWCP Tr. No. 95 - 03
February 1995

Exhibit 6

Exhibit 7: SAMPLE EXHIBIT

DUAL BENEFITS

RESTRICTIONS PERTAINING TO CONCURRENT PAYMENT OF
FEDERAL EMPLOYEES' COMPENSATION BENEFITS
WITH BENEFITS PAYABLE BY OTHER FEDERAL AGENCIES

I. Claimants must elect between Federal Employees' Compensation Act (FECA) benefits and the following benefits payable by other Federal agencies:

A. Civil Service Retirement System Act (CSRS) annuity benefits provided by the Office of Personnel Management (OPM), either regular or disability. The election is not irrevocable, but if a lump-sum payment has been made by OPM as part of an alternative annuity, this must be repaid in full either directly by the

employee, or by OWCP from FECA benefits due, before the employee may begin receiving FECA benefits. If OPM benefits are elected, the employee is still entitled to payment of medical expenses for treatment of the accepted condition(s). If FECA benefits are elected, the employee may receive concurrently any benefits payable from the Thrift Savings Fund.

B. Federal Employees' Retirement System Act (FERS) annuity benefits provide by OPM, either regular or disability. The election is not irrevocable. If benefits provided by FERS are elected, the employee is still entitled to payment of medical expenses for treatment of the accepted conditions(s). If FECA benefits are elected, the employee may receive concurrently any benefits payable from the Thrift Savings Fund.

C. CSRS Act survivor benefits provided by OPM. When FECA benefits are elected, the beneficiaries may be paid by OPM the amount of the employee's contribution to the retirement fund in one lump sum. OWCP does not consider the election irrevocable. However, OPM considers an informed election of death benefits provided by OWCP to be irrevocable. If FECA benefits are elected, the beneficiary may receive concurrently any benefits payable from the Thrift Savings Fund.

D. FERS Act survivor benefits provided by OPM. OWCP does not consider the election irrevocable. However, OPM considers an informed election of death benefits provided by OWCP to be irrevocable. If OPM benefits have been paid, the lump sum payment provided as part of the FERS Act death benefit must be repaid in full either directly by the beneficiary, or by OWCP from FECA benefits due, before the beneficiary may begin receiving FECA benefits. If FECA benefits are elected, the beneficiary may receive concurrently any benefits payable from the Thrift Savings Fund.

Chapter 1-0300 - Records Management

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1. Purpose and Scope. This chapter describes the Office of Workers' Compensation Programs' (OWCP) records management plan, including its disposal schedule for written and automated data records generated by the Office of the Director and the four compensation programs it administers: Federal Employees' Compensation (FEC), Black Lung (BL), Energy, and Longshore (LS). There is also information regarding record maintenance and procedures for preparing records for disposal at the appropriate time.

2. Overview. OWCP and the three programs it administers create or acquire and maintain a variety of documents, records and files in both paper and electronic format. Once these records and files are no longer active or needed for daily operations or their retention period has expired, they must be archived or destroyed. Although the development of automated data bases has greatly enhanced the ability to store massive amounts of information, not all records lend themselves to electronic storage formats. In addition, space considerations dictate the need for a paper records disposal strategy over time. OWCP, DFEC, BL, Energy, and LS must still transfer some records to the Federal Records Center for archiving and destroy other records at the appropriate time.

3. Record Types. All records can be divided into three broad categories. These categories provide a standard record classification framework for OWCP and the three compensation programs. Records are classified as claims-related, administrative, or informational. The latter category would include all management, annual, or other reports that provide information on operations and performance to program personnel and both public and private sector customers. They include ad hoc as well as periodically required reports and may be in the form of automated data runs for management information purposes.

a. Claims-Related Records. This record group includes all written, recorded, photographic, or electronic documents associated directly with claims for benefits. These may be applications for benefits, employment evidence, dependency status evidence, x-rays, medical reports, medical test reports, correspondence associated with the claim,

Congressional inquiries, attorney correspondence, ADP claim information, tracking and action status records, medical bills, or other relevant records.

b. Administrative Records. This record group includes personnel records, budget documents, operational planning documents, administrative correspondence, and other records relevant to program administrative functions.

c. Informational Records. This record group includes those written and automated reports that provide program performance and other information to management and, as requested or required, to other entities within both the government and private sectors, such as the OWCP Annual Report. It also includes OWCP and program Bulletins, Manuals, Transmittals, Circulars, training publications, and other procedural and informational documents, as well as audit reports from the OIG and GAO.

4. Record Maintenance Responsibility. Record maintenance responsibility for all three types of records generally lies with the unit or office physically holding the records. An exception to this rule can occur in the case of automated records.

Hard Copy Records. Mail and file unit supervisors, branch chiefs, or directors in individual offices are responsible for maintaining the hard copy claims records they hold on-site. Each unit supervisor is responsible for the administrative or informational records, including computer-generated reports, under their control.

Automated Records. Office directors, through claims and data entry personnel, are responsible for inputting the information that keeps automated records current in all four OWCP programs. However, overall responsibility for controlling and maintaining FEC automated records lies with the automated system manager.

The automated system manager also has overall responsibility for controlling and maintaining LS automated case management records resident on the Sequent System in those LS offices collocated with FEC offices. In non-collocated LS offices the responsibility rests with the district director. Overall responsibility for LS Special Fund automated records rests with designated program staff and the contractor who maintains and runs the Special Fund automated system.

The BL program contracts its automated data processing operations to a private sector vendor. All BL program automated records reside on a mainframe at the contractor location. Contractor data administration staff are responsible for overall record maintenance and control.

5. Preparing Records for Disposal. Once a record is no longer necessary for program operations and its retention period has expired, it must be prepared for archival deposit or destruction. Within each of the three programs OWCP administers, responsibility for this action rests with the office having jurisdiction over that record.

a. Preparing Records for Transfer to the Federal Records Centers (FRC) administered by the National Archives and Records Administration (NARA). Transferring inactive records to the FRC saves OWCP and its programs both storage space and storage costs. The Guide to Washington National Records Center Services 1995 details the way in which government agencies should prepare records for transfer and governs preparation activities in the Washington, D.C. OWCP, FEC, BL, Energy, and LS offices. Regional and District office preparation activities are governed by procedures from their respective local Federal Records Centers. These guides are available for reference in the appropriate OWCP and program offices.

b. Preparing Records for Destruction. Some records are destroyed a fixed number of years after they are transferred to the FRC in accordance with approved records retention schedules and FRC procedures for record destruction. Others are destroyed at the appropriate time by OWCP or the program office having jurisdiction. They may be recycled, shredded, burned, or, in the case of electronic records or e-mail, permanently erased.

(1) Non-Sensitive Records. These records do not contain claims-related, personnel, accounting, or other information protected by the Privacy Act and do not require special preparation measures. They can be recycled or thrown out by the office having jurisdiction. Such documents would include informational and administrative records like procedure manual documents, budget and program planning documents, MIS reports, annual reports, OIG/GAO audits and administrative correspondence.

(2) Sensitive Records. These records contain claims-related, personnel, accounting, or other information protected by the Privacy Act and must be either shredded, burned or, in the case of electronic records, permanently erased. In preparation, such records must undergo a thorough review process by designated office personnel and paper records must be removed from file folders or other document holders. Paper records transferred to the Division of Support Services for destruction must be boxed and the boxes clearly labeled with the words "For Shredding" or "For Burning" as appropriate. These documents would include all claims-related records, medical bills, and administrative personnel records. Support Services staff will pick up the boxes of records from the program office or OWCP upon request.

6. Record Disposal. Both paper and electronic records are disposed of in accordance with a NARA approved records disposal schedule that OWCP has developed. As already noted, those records ready for destruction (based on the schedule) with sensitive information regarding claimants or their conditions, along with other information not suitable for public consumption, must be shredded, burned, or permanently erased. Some administrative records and those records containing information that is already public can be recycled. Other scheduled records are transferred to the FRC for archiving and eventual destruction or permanent retention.

7. Record Disposal Schedule. OWCP, in concert with the three programs it administers, has developed and obtained approval from the National Archives and Records Administration for records disposal schedules. These schedules, known as Records Disposition Authority, establish the time frames for records retention. The schedules specify when various record series are to be either destroyed or transferred to the Federal Records Centers. They are kept in the office of the OWCP Administrative Officer and periodically reviewed and updated as necessary by program staff. These schedules, however, do not necessarily supersede one another and this fact should be kept in mind when using them. In some instances, a more recent schedule will only impact one or two items on a prior schedule, and information regarding any other item must be obtained from that or another prior schedule.