



**Best Practices in Return to Work For
Federal Employees Who Sustain
Workplace Injury or Illness:
A Guide for Agencies**

Introduction

- The Department of Labor (DOL) initiated a study to identify strategies that Federal agencies may utilize to increase the successful return-to-work of employees who have sustained disabilities as a result of workplace injuries or illness
- The study was a partnership between two DOL agencies to help other Federal agencies adopt and implement uniform strategies and best practices
 - The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act and provides workers' compensation benefits and return-to-work assistance to approximately 3 million Federal civilian employees and postal workers
 - The Office of Disability Employment Policy (ODEP) provides national leadership by developing and influencing disability-related employment policies and practices affecting an increase in the employment of people with disability

Introduction

- Study supports the Protecting Our Workers and Ensuring Reemployment (POWER) initiative and the Executive Order on Disability Hiring (E.O. 13548)
 - POWER Initiative – Holds agencies accountable for improving injury, illness, and return-to-work rates.
 - Goal #7 of the POWER initiative calls for an increase in the return-to-work rate for injured employees
 - E.O. 13548 - Section 3 notes that agencies should increase the retention and return-to-work of individuals with disabilities. Calls on the Secretary of Labor to:
 - Propose specific outcome measures and targets to improve, expand, and increase return-to-work outcomes
 - Pursue innovative re-employment strategies and develop policies, procedures, and structures that foster improved return-to-work outcomes
 - Put forward specific targets by which each agency's progress in carrying out return-to-work and FECA claims processing can be assessed

Study Overview

- The study was conducted by Economic Systems Inc (EconSys)
- Analyzed data and identified agencies that would be helpful in advancing the study's mission. Initial interviews were conducted with over a dozen federal agencies.
- In-depth interviews were held with the Department of Defense (DOD), Department of Veterans Affairs (VA), the Transportation Security Administration (TSA), and the Architect of the Capital (AOC)
- EconSys provided a report discussing the interview results, return-to-work analysis, and best/promising practices
- Final results were presented at the annual POWER Return to Work council meeting which was open to the entire Federal Workers' Compensation community

POWER RTW Council

- Comprises senior officials that have oversight responsibilities for workers' compensation at the 14 Federal agencies that are subject to goal 7 of the POWER initiative
 - In addition, OPM, ODEP, OSHA, and the Computer/Electronic Accommodations Program (CAP) are *ad hoc* members of the Council
- Meets on a quarterly basis. Each year, one of the quarterly meetings is open to the larger federal agency community so that everyone can benefit from the expertise on the Council
- Serves as a forum for the discussion and exchange of current and evolving ideas and best practices in the area of returning injured workers to gainful employment with the Federal agency

POWER RTW Council

- Helps encourage Council members to form a bridge between the workers' compensation staff and other staff such as disability hiring managers, reasonable accommodations staff, SPPCs, etc. in their agencies
 - Establishes a community of practice for the sharing of information, ideas, and experiences at the practitioner level
- Supports goal 7 of the POWER Initiative which also supports E.O. 13548 in the retention of federal employees with disabilities
- Reviews the results of analytical studies concentrating on issues relating to return-to-work and endeavors to promote the sharing and implementation of best practices identified in study reports
 - The Council reviewed the EconSys Return-to-Work report and provided input in creating this guide

Best Practices

- A number of Best Practices from the EconSys report were presented to the POWER Return-to-Work Council to be considered for the Creation of Technical Assistance Materials
- Based on the recommendations of the members of the Council, the 5 practices which have the most potential for use by the greatest number of agencies were chosen for this guide. The 5 practices identified are:
 1. Early contact with injured workers
 2. Provide modified work positions for short-term injuries
 3. Communication within the agency is integral to the process
 4. Review periodic roll cases and discuss with OWCP
 5. Present disability costs to directors and operational managers

Best Practices for a Successful Return-to-Work

Early Contact with Injured Workers

Early Contact with Injured Workers

- Early contact with injured workers is important and essential to ensure a successful return-to-work
- When an employee suffers an on-the-job injury or illness, it is vital that an agency takes immediate action to begin the workers' compensation process and provide disability management. First steps include:
 - The timely filing of all forms
 - Supplying employees with information on their rights and responsibilities
 - Assuring the employee receives medical treatment
- Having an early intervention program in place for injured employees increases the likelihood of a successful return-to-work outcome
- Can be done at any agency regardless of its size, resources, and/or structure

Early Contact - Actions

- Most agencies have built early intervention into their disability management processes
 - In some agencies, workers' compensation staff contacts injured employees within 24 hours of the injury
 - Other agencies, when possible, request face-to-face meetings with the injured employee to assure all relevant information is distributed and they are aware of their rights and duties
 - At the same time, supervisors must complete required documentation to assure that cases are filed in a timely manner
- The FECA Regulations (20 CFR Part 10) require electronic filing of key claim forms by all federal agencies whenever feasible. Benefits of electronic filing include:
 - Faster adjudication of claims leading to timely provision of needed medical and wage loss benefits
 - Earlier identification and management of disability resulting from workplace injury or illness
 - Decreased length and severity of disability resulting from early identification and management
- OWCP's Employees' Compensation Operations & Management Portal (ECOMP) is a free, web based system for electronic filing of key FECA claim forms which is available to any agency who signs a Memorandum of Understanding.

Early Contact

- Early contact in the return-to-work process can help injured employees return to a short-term modified work position
 - Initial and follow-up calls with injured employees after their first medical appointment help identify restrictions for a modified work position
 - Quick identification of short-term modified work positions can be relayed to the injured employee who may have some work capacity
 - Early intervention services help ensure that the employee receives all information they need and are able to ask any questions
 - An open dialogue allows the return-to-work process to move quickly and efficiently
 - Early intervention and contact with employees demonstrates that they are cared for and are still an important part of the agency
 - By offering short-term work and having early and frequent communication, employees are either constantly reminded that they are needed at work or that they still have to come in on a daily basis

Best Practices for a Successful Return-to-Work

Modified Work Positions for Short-Term Injuries

Modified Work Positions for Short-Term Injuries

- If an injured employee has medical restrictions, but can still perform some duties, the agency can assign the employee to a limited duty position
- Workers' compensation staff can first work with the injured employee's immediate supervisor to modify their position
 - If that does not work, the agency's workers' compensation staff can go to human resources, disability employment personnel, or other managers to look for modified work
- Coordinate with disability and safety staff members to assure that the accommodations address the employee's injury
- Provide materials to doctors explaining the program and the availability of modified work positions

Advantages

- Providing short-term modified work positions to injured employees is beneficial for the agency and injured worker
 - Providing injured workers with limited duty assignments saves the agency money on disability costs associated with the injury and allows the employee to remain a productive member of the workforce
 - Having the injured worker return to work places them back into the work culture they were accustomed to and restores them to functionality sooner
 - Prevents other employees from having to take on the injured employee's work load while they are out of the office

VBA's Success

- The Veterans Benefits Administration's (VBA) workers' compensation director created positions with tasks that can be performed at home to support the office
 - Includes Flexible Work Schedules and Telework options
 - The duties include answering phones and completing paperwork
 - The additional positions aid injured employee's in smaller facilities where there may not be a position available in the office
- Other facilities have identified light-duty positions that are readily available for employees who have work restrictions
 - These facilities have created positions that are not physical in nature and are available for employees who have medical limitations
 - Having open positions like this allows agency staff to quickly move injured employees into open positions without having to discuss options with multiple people throughout the facility
 - Injured employees prefer this process, because they do not have to wait long periods of time for an open position

Best Practices for a Successful Return-to-Work

Communication within the Agency

Communication

- Communication within the agency plays an integral part in increasing the successful return-to-work of employees who have sustained disabilities as a result of workplace injuries or illness
- Many individuals play important roles in the success of a RTW program. Safety personnel, upper level managers, supervisors, HR, disability program managers, and medical professionals must all work together in order to provide the best service possible to injured employees.
- The various agency personnel who may impact return to work must remain in constant contact to assure the flow of information is continual and that all parties are up to date on relevant cases
 - By having these individuals work together as a group, the agency is more likely to see successful RTW outcomes
- The communication of policies and procedures can be done for free through emails and meetings within the facilities. It is common for most of the relevant employees to work together on a daily basis, which allows for the free flow of information

Working Groups

- Best Practice: Create working groups to discuss issues on various levels
- Department of Defense has mandated that each facility hold a quarterly meeting called a FECA Working Group.
 - Meetings are run by the claims processors and attended by safety and HR personnel, medical professionals (when available), lawyers, and high-level directors
 - Within each meeting, specific metrics are discussed on the number of claims, employees returned to work, continuation of pay, long-term claims, and job offers made
 - Next, supervisors and safety personnel discuss any new injuries, their causes, and the lessons learned to identify any injury trends that safety personnel should follow up on to limit the amount of injuries at that facility
 - Claims processors also ask supervisors and HR staff to identify any potential light duty positions available for employees who are currently recovering from an injury or illness

Working Groups

- The U.S. Department of Veterans Affairs (VA) has created a Workers' Compensation Steering Committee (WCSC)
 - Includes participants from each of the VA administrations, as well as workers' compensation managers at the VA level
 - The WCSC meets every two months to discuss important information relevant to each of the components such as training plans, upcoming initiatives, best practices, and electronic database management
 - The WCSC allows each component to keep open lines of communication with VA workers' compensation directors and to have a voice on major initiatives
- DOJ's workers' compensation program management provides the names of the Department's Disability Program Managers to workers' compensation staff via a website and their workers compensation guide.

Working Groups

- Veterans Health Administration (VHA) has also created similar working groups within their facilities.
- One example of this is a Workers' Compensation Cost Containment meeting
 - Claims processors meet with managers and directors to discuss the current costs of the program and injury trends
 - The minutes of these meetings are then shared with upper management, which brings more focus and attention on the program and its costs
 - Agencies can implement similar working groups into their processes to increase the information flow among important personnel

Working Groups

- Veterans Benefits Administration (VBA) has created a Technical Advisory Committee (TAC)
 - Includes nine of the most effective claims processors and the director of the workers' compensation program
 - The TAC meets as needed to discuss the program's policies and best practices
 - An email group has been created to maintain communication within the group
 - Provide guidance to the other personnel within the agency, which frees up the director to perform other tasks

Staff Meetings

- Best Practice: Utilize staff meetings to communicate the importance of return-to-work
- The Architect of the Capitol (AOC) promotes the importance of its program whenever possible
 - One avenue for promotion has been to reinforce the importance of RTW at facility-based staff meetings
 - The director of the Workers' Compensation program at AOC schedules time during each meeting to speak with employees about the importance of the program and their role
 - The director holds a question and answer session for employees in order to answer any questions they may have about the program
 - Helps provide information to employees and limit the amount of questions that need to be answered within each facility
 - Smaller agencies and individual facilities can utilize this tactic to assure that employees are well informed about the program and their role when an injury occurs

Communication of Best Practices

- Best Practice: Communicate best practices throughout the agency
- Most agencies have avenues for their employees to discuss best practices
 - The Veterans Health Administration has monthly calls to share best practices and discuss difficult cases. Experienced claims processors can help and guide other case processors.
 - The Transportation Security Administration (TSA) holds monthly best practice conference calls with claims processors to present information on specific topics of concern
 - The TSA also has calls with nurse case managers to discuss any issues they have or best practices that may be useful to the agency.
 - The Department of Defense liaisons have the ability to share best practices with their claims processors or provide extra assistance working on difficult cases

Best Practices for a Successful Return-to-Work

Review of Periodic Roll Cases

Periodic Roll Cases

- Best Practice: Review Periodic Roll Cases and Communicate Findings to OWCP
- Payment on the periodic roll is an efficient method of ensuring regular payment of compensation to those with long-term compensable disabilities.
- In all periodic roll cases, it is important to ensure that evidence remains current in the case, that all necessary medical care is provided, and that appropriate use is made of nursing and rehabilitation services.
 - Quality case management, with active monitoring of the progress of the case, should be utilized to obtain the best possible outcome and a return to employment where at all feasible
- An annual review of cases on the periodic roll should be completed to ensure that payments are correct and that continuing entitlement is substantiated in the file
- Utilizing a review of the periodic roll cases identifies claims with return-to-work potential and can be used to help formulate job offers

Review of Periodic Roll Cases

- Agencies can review a file to ascertain whether or not they need to contact OWCP to request an action. Common actions requested of OWCP after a periodic roll review include:
 - Determine whether the accepted work-related condition is still active or has resolved
 - Verify continuing entitlement to compensation and the appropriate level of payments
 - Reduce or terminate compensation payments when a claimant recovers from the employment-related condition or returns to work
 - Initiate vocational rehabilitation and reemployment action as soon as it appears that permanent impairment may result or a change of job duties may be required due to the work-related injury
- If, after reviewing the documents in a periodic roll review claim, the agency feels that action is needed by the Claims Examiner, they can request review and action by OWCP.

DOJ's PR Review

To ensure ongoing entitlement to compensation, DOJ requires its components to conduct an annual review of all periodic roll claims

- On a quarterly basis, the DOJ headquarters workers' compensation staff performs random reviews of periodic roll claims from the components in order to ensure that:
 - A review was done by the component and a case file review sheet was completed to include return to work information
 - DOJ maintains updated documentation regarding ongoing entitlement and work readiness

TSA's PR Review

- TSA's primary goal is to rehabilitate injured employees
 - *Returning employees to work within TSA*
 - *If TSA cannot accommodate then refer to DOL Vocational Rehabilitation Program*
- Headquarters Program Manager, Workers Compensation Coordinator (WCC) and Nurse Case Manager conduct telephonic Medical Management Reviews
- Utilization of all resources available to manage and document the WC file (Agency Query System, Affiliated Computer Services, WebOpus, SIS and Web Enabled Electronic Document Submission)
- Conduct onsite visits with Department of Labor, Office of Workers' Compensation District Offices
- Develop ongoing working relationships with District Office Director and Personnel

TSA's PR Review

- Developed In March 2011
- Evolved from the TSA Periodic Roll Initiative (PRI) and the impact of DOL visits
- Concentrated Action for Recovery, Employment and/or Case Resolution
- Case review criteria is for case to be in a PR status for 9 months or longer

- Collaborative PR Case Management Effort
 - Collaboration Between HQ, TSA PR Manager, Nurse Case Manager and Local WCC's:
 - **Conduct** weekly Medical Management Meetings
 - **Review** available medical documents
 - **Review** Chargeback, ACS, AQS for current status and treatment
 - **Identify** records needed (SECOP, current medical)
 - **Review** case at District office and obtain necessary documents

TSA's PR Review

- The TSA headquarters, their periodic roll manager, nurse case manager and local WCC's performed a review. Those steps include:
 - With Medically Recommended Work Status
 - Will compare work status
 - Review additional information such as SECOP report
 - Medical Director review
 - Interpret Medical Evidence
 - Review for discrepancies
 - Review for recommendations that seem inappropriate
 - Next steps could include:
 - Letter from Medical Director to treating physician
 - Functional Capacity Exam
 - Ask CE for SECOP or Referee Medical Exam
 - Potential Referral for investigation
 - If case resolved, possible Fit For Duty Exam

TSA's PR Review

- Visit to DOL by Periodic Roll Team
 - Responsibility of Care Unit Nurse and the TSA HQ PR Manager:
 - Obtain TSA Medical Director Review to interpret medical evidence, review for discrepancies, and provide recommendations
 - Thorough case review (Initial, Secondary, Final)
 - Develop a detailed One page Case Summary
 - Prepare packet for District Director (deliver NLT 2 weeks prior to visit)
 - Case review with selected personnel (i.e. DD, ADD, supervisor or CE)
 - 45, 60, 90 day follow up with District Director

TSA's Success

- The Transportation Security Administration's (TSA) success
- TSA and DOL are fully engaged which leads to an improved working relationship
- Continue improving case management practices and RTW methodologies
- 262 cases have been reviewed during 7 District office visits, resulting in the resolution of 34 PR cases (13%)
- **Cost Savings as of 2/18/13** (34 resolved cases):
 - Monthly Comp *prior to claim resolution* : \$68,062.00
 - Monthly Comp *after claim resolution* : \$4,598.00
 - Estimated avoided cost to date: \$914,311.00
 - Estimated avoided future cost: \$24,815,914.00

Best Practices for a Successful Return-to-Work

Present Disability Payment Costs

Disability Payment Costs

- Best Practice: Present disability payment costs to directors and operational managers
- At every level, providing program cost information to directors and managers has proven effective at creating buy-in for the workers' compensation program.
- The cost data shows how much money these employees are costing the agency while they are not working
- No costs associated with creating reports to present to directors, operational managers, and budget staff

Reports

- Amounts regarding disability payments can be gathered from data extracts that OWCP provides to agencies
- Agencies can create reports detailing the disability costs of different services within their facility
 - This data can be parsed out and given to operational managers so that they see what resources they are lacking to do their mission critical work
- Department of Homeland Security takes the data regarding claimants receiving total disability payments to the operational managers so that they can identify missed opportunities.

The Bottom Line

- The disability payment costs can be put in the management reports for the weekly staff meeting
 - The reports prompt directors and managers to place more importance on the workers' compensation and return-to-work programs
 - By detailing the costs to directors and operational managers, they become aware of the potential money saved by returning employees to work
 - Operational managers and budget staff can see the dollar amount associated with the missed opportunities to return employees to work and see what they are losing in operational efficiency
 - The directors, operational managers, and supervisors will then be more amenable to creating modified work positions for injured employees

Contact

- This guide is designed to educate Federal agencies of the best practices in return to work for federal employees who sustain workplace injuries or illness. It was developed from the findings of the Economic Systems study as informed by the members of the POWER Return to Work Council
- If you would like any additional information or would like to request training for your agency personnel, you may contact the Division of Federal Employees' Compensation, Branch of Technical Assistance at (202) 693-0040