

INJURIES AT WORK: WHAT NASA CIVIL SERVICE EMPLOYEES NEED TO KNOW

What should an employee do if injured at work?

Traumatic Injury – a wound or other condition of the body caused by external force, including stress or strain caused by a specific event or incident within a single day or work shift.

Occupational Illness/Disease/Exposure – a condition produced in the work environment over a period longer than one workday or shift.

1. **Report the injury/disease/exposure immediately to your supervisor**, and obtain first aid as necessary. Visit your NASA onsite Medical Clinic if possible.
2. All NASA civil service employees who are injured at work are eligible, but not required, to file for Federal Workers' Compensation. Filing is at the employee's discretion—NASA does not determine whether a claim is compensable—this is determined by the Department of Labor.
3. To file a claim with the Department of Labor's Office of Workers' Compensation Program (OWCP), complete **Form CA-1, "Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation"** or **CA-2, "Notice of Occupational Disease and Claim for Compensation"**. These forms are available for electronic completion and submission to the OWCP using the ECOMP web-based system.
4. The ECOMP website is: <https://www.ecomp.dol.gov/#> Contact your Center's Injury Compensation Specialist for assistance in accessing this system and/or completing forms. Training is not required before using the ECOMP website—it is menu driven and user-friendly.
5. If you are not physically able to complete and submit forms related to your injury/illness/exposure, they can be completed and submitted on your behalf by someone you designate (e.g., your supervisor).
6. CA-1 and CA-2 forms must be reviewed and signed by your supervisor. This is done electronically via ECOMP.
7. CA-1 and CA-2 forms must be completed and submitted **as soon as possible** for your supervisor's signature—but no later than 30 calendar days from the date of injury or illness.
8. As part of the process for filing CA-1 and CA-2 forms, injured employees need to furnish medical evidence (prima facie) that is sufficient to support the claim of the disabling traumatic injury within 10 calendar days of claiming continuation of pay (COP).
9. If medical treatment is needed due to a traumatic injury/illness/exposure, you should obtain medical authorization via **Form CA-16, "Authorization for Examination, And/Or Treatment"**,

for treatment by a physician, or hospital of your choice. Contact your Center's Injury Compensation Specialist for assistance.

10. A CA-16 may be issued for an occupational illness/disease ONLY with prior authorization from the Department of Labor.
11. The CA-16 "authorizing official" is the NASA Center Occupational Medical Clinic's designated physician. Alternatively, with the Center's Medical Director's standing orders, the Clinic's designated nurse may also sign the CA-16 as an "authorizing official."
12. CA-16 forms are *not* issued retroactively for treatment already received, *except* in the case of emergency treatment (whereas the CA-16 is to be issued within 48 hours after treatment).

Is it necessary to report all injuries that occur at work, even minor injuries such as a scratched finger or bumped knee?

All injuries should be **reported**, since a seemingly minor injury could develop into a more serious condition. For protection and the necessity of filing a claim at a future date, an employee should complete a **Form CA-1 or CA-2**. ***CA-1 forms for minor first-aid only injuries are typically only filed in the NASA employee medical file, in case an employee chooses to file a formal claim in the future (e.g., if a minor injury becomes more serious).***

What is the penalty for filing a false claim?

Federal law (18 U.S.C. 1920): "Whoever makes, in an affidavit or report required by section 8106 of title 5 in a claim for compensation under subchapter I of chapter 81 of title 5, a statement, knowing it to be false, is guilty of perjury and shall be fined not more than \$10,000 or imprisoned not more than five years, or both" (or \$10,000 and 10 years for conspiracy to commit fraud)."

What happens if an injured employee's supervisor refuses to sign notice of injury or claim for compensation?

The Department of Labor should be notified of such refusal. Federal law provides in 18 U.S.C. 1922 that: "Whoever, being an officer or employee of the United States charged with the responsibility for making the reports of the immediate superior specified by section 8120 of title 5, willfully fails, neglects, or refuses to make any of the reports, or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under subchapter I of chapter 81 of title 5 or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under that subchapter or any extension of application thereof, or regulations prescribed thereof, shall be fined not more than \$500 or imprisoned not more than 1 year, or both."

Is a recurrence of an employment-related disability covered by the Federal Employees Compensation Act (FECA)?

Yes. If an occupational injury/illness sustained previously is aggravated by or accelerated due to employment and you're disabled as a result of the exacerbation of the original injury, you are covered by FECA. The recurrence should be reported by completing **Form CA-2a, "Notice of Recurrence"**. Contact your Center's Injury Compensation Specialist for assistance.

Continuation of Pay

What is Continuation of Pay (COP)?

COP is continuation of an injured employee's regular salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. The intent of this provision is to eliminate interruption of an injured employee's income while the Department of Labor is processing the claim. COP is subject to deductions for income tax, health insurance, retirement, etc. and is handled directly by NASA vs. the Department of Labor.

If an injured employee works only a portion of a workday (other than the workday when disability began), that workday is considered 1 calendar day against the 45-day maximum period for continuation of pay. An employee **must** provide medical documentation (certified by the physician) to support all absences from work including absences for doctor's appointments, therapy treatments, and recuperation or recovery from the injury.

Can NASA terminate COP for any other reason?

Yes. NASA can terminate (controvert) COP if:

- An injured employee does not provide medical evidence of a disabling traumatic injury within 10 work days of claiming COP. The requirement can be waived if the employee's supervisor is satisfied that the employee sustained a disabling traumatic injury. Retroactive reinstatement of COP is provided where evidence is received after the 10 days and supports disability.
- An injured employee's physician has found the employee to be only partially disabled and the employee refuses suitable work, or fails to respond to the job offer within 5 work days.
- An injured employee's scheduled period of employment expires or employment is otherwise terminated, provided the date of termination or period of employment is established prior to the date of injury.

What happens if the injured employee's disability goes beyond the 45 day period?

If it appears that the disability will continue beyond 45 days, the employee and NASA should complete **Form CA-7, "Claim for Compensation on Account of Traumatic Injury or Occupational Disease,"** and submit it on the 40th day of COP to the Department of Labor.

What about an employee using sick or annual leave after an injury instead of using COP?

If the employee elects to use sick and/or annual leave instead of COP during the first 45 calendar days of disability in a traumatic injury case, COP cannot be used to "extend" the time he/she will be unable to work for leave purposes. The employee can (1) use sick or annual leave or (2) receive COP following the injury; however, the 45-day calendar period begins on the first day or first shift after the date of injury on which disability occurs. The first day is considered administrative leave.

Can an employee request that his or her leave record be changed to reflect COP if leave has been elected?

If an injured employee chose to use sick or annual leave instead of continuation of pay, the employee may request that his/her leave record be restored within 1 year after the date leave was used or the date the claim was accepted, whichever is later. If otherwise entitled, NASA must change the past period from leave to COP and restore leave. This is referred to as "leave buy-back" and results in an injured employee's having to "buy" back the sick or annual leave taken in order to change the time taken as COP.

Sick or Annual Leave

Does an employee have to use any or all accumulated sick or annual leave before compensation may be paid?

No. An injured employee has a choice of using sick or annual leave or going on leave without pay and claiming compensation. The injured employee makes this decision.

If an employee uses sick or annual leave due to an on-the-job injury, what is the method by which the leave can be restored and compensation paid instead?

Such leave may be *repurchased* by an employee, subject to NASA policy and concurrence. If the claim is approved and medical evidence shows the employee was unable to work because of the injury during the period claimed, NASA allows employees to buy back their leave. An employee who chooses to use sick or annual leave may request "leave buy back" by submitting Form CA-7, "Claim for Compensation", to the Department of Labor through the NASA Center's Injury Compensation Specialist. The request must be made to NASA within 1 year of the date the leave was used, or the date of the written approval of the claim by the Department of Labor, whichever is later. Any compensation payment is to be used to partially reimburse NASA for the paid leave. The employee must also arrange to pay NASA the difference between the paid leave based on 100% of the employee's usual wage rate and the compensation payment which is paid at $\frac{2}{3}$ or $\frac{3}{4}$ of the wage rate. NASA will then restore the leave to the employee's leave record.

Compensation

When do compensation payments begin?

Compensation payments can be made after wage loss begins and medical evidence shows that the employee is unable to perform the duties of his/her regular job. For traumatic injuries, compensation for loss of wages is payable after a 3-day waiting period following expiration of the 45 days of COP. If disability exceeds 14 days beyond the expiration of COP, no waiting days are charged. In traumatic injuries where there is no COP entitlement and in non-traumatic injuries, compensation for loss of wages is payable after an initial 3-day waiting period. No waiting period is required when permanent disability exists, or when the disability causing wage loss exceeds 14 days. In occupational diseases, there is no COP; therefore, compensation is paid after the first 3 days the employee first loses work due

to the illness. If the employee is out of work more than 14 days, there is no waiting period, and compensation is paid from the first day of eligibility.

Can an employee use sick leave or annual leave to satisfy the 3-day waiting period?

No, the employee must be in a leave-without-pay status. Any day or fraction of a day in which pay loss occurs will be counted as a waiting day. Saturdays, Sundays, and holidays not falling within a period of leave may also be counted as waiting days.

Can an employee receive compensation payments while on sick or annual leave?

No. The employee must be in a leave-without-pay status before compensation for wage loss is payable.

How are disability compensation payments computed?

Compensation is paid at two-thirds of the employee's pay rate if he or she has no dependents, or augmented to $\frac{3}{4}$ of the pay rate if he or she is married or has 1 or more dependents.

Are there any deductions made from compensation payments?

The only regular deductions from compensation are for the employee's share of health benefit premiums, for optional life insurance, and post retirement basic life withholdings if the employee is enrolled in these plans.

Is there a maximum period of time during which an employee can receive compensation payments for wage loss?

No. The employee can receive compensation payments for as long as the medical evidence shows that total or partial disability is related to the accepted injury or condition. The Department of Labor requires most individuals receiving compensation for disability to undergo medical examinations once a year. This evaluation is usually obtained from the employee's attending physician. The Department of Labor may, however, require the employee to be examined by another physician.

Medical Benefits

Will a claim for compensation benefits be jeopardized if an employee obtains treatment without authorization or changes physicians after an authorized has been made?

No, but the employee may have to bear the cost of unauthorized medical care. If the employee requires medical treatment because of a disease or illness which is believed to be work related, the employee should arrange for the necessary medical treatment. If the Department of Labor accepts the claim, they will pay for medical treatment that is required by the condition(s) accepted, including treatment received prior to acceptance. An employee who wishes to change physicians after the initial choice must contact the Department of Labor in writing for approval and include the reasons for requesting the change.

If an employee personally pays medical expenses for authorized treatment or medication for a job-related injury, can the employee obtain reimbursement?

Yes. The employee may request reimbursement by submitting to the Department of Labor a completed HCFA-1500 or OWCP-1500, "American Medical Association Standard Health Insurance Claim Form", signed by the provider and itemized bills showing that the employee has paid the bill. Photocopies of cancelled checks may be accepted in lieu of receipts but must be accompanied by itemized bills or other evidence of the charge for which payment was made. Prescription receipts must include the name of the drug, name of prescribing physician and the date the prescription was filled.

Will the Department of Labor authorize medical treatment for recurrence of an injury-related disability, which initially occurred several years earlier?

If the proper reports were completed at the time of the original injury, and the medical and factual evidence establish that the recurrent disability is related to the original injury, the employee would be entitled to medical treatment for the recurrence if the claim is approved by the Department of Labor.

Will the Department of Labor pay the entire amount of the medical bill or is there a limit?

The Department of Labor uses a schedule of maximum allowable medical charges. This schedule applies to charges for medical services rendered on and after June 9, 1986, by providers (i.e., physicians, surgeons, podiatrists, clinical psychologists, optometrists, chiropractors, osteopathic practitioners, physicians' assistants, and therapists), including services rendered in a hospital or nursing home setting. ***However, the schedule is not applicable to hospital, pharmacy, or nursing home charges.*** Note: Employees are not personally/financially responsible for amounts charged in excess of the maximum allowable medical charges by the Department of Labor.

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For any questions related to occupational-related injury claims, employees should contact their Center's Injury Compensation Specialist. Visit <http://ohp.nasa.gov/disciplines/workers-comp/index.html> for information about NASA's Federal Workers' Compensation program. Please contact the Agency's Federal Workers' Compensation Coordinator for additional information at 321-867-2423 or janine.e.hardin@nasa.gov.