

WORKERS' COMPENSATION PROGRAM

I. Purpose

A. This Directive outlines the authorities, establishes the policies, and describes the responsibilities for the administration and management of the Department of Homeland Security (Department or DHS) Workers' Compensation Program under the Federal Employees' Compensation Act (FECA).

B. The Department of Labor (DOL), Division of Federal Employees' Compensation (DEFC), Office of Workers' Compensation Program (OWCP) is responsible for administering the FECA program. The FECA provides compensation benefits to civilian employees of the United States government for disability due to personal injury sustained while in the performance of duty or due to employment-related disease. The FECA also provides for the payment of benefits to dependents if the injury or disease causes the employee's death. Benefits provided under the FECA constitute the sole recourse for work-related injury or death. A Federal employees and surviving dependents are not precluded from suing the United States to recover damages for injuries or death covered by FECA.

II. Scope

This Directive applies throughout DHS, unless exempted by statutory or federal regulatory authority, or as otherwise indicated herein.

III. Authorities

A. Title 5, United States Code, Chapter 81, Compensation for Work Injuries

B. Title 20, Code of Federal Regulations, Part 10, Claims for Compensation Under the Federal Employees' Compensation Act, as amended, and Part 25, Compensation for Disability and Death of Noncitizen Federal Employees Outside the United States

C. Department of Labor, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation Publication CA-810, Injury Compensation for Federal Employees

- D. DHS Delegation 0002, Delegation to the Under Secretary for Management
- E. DHS Delegation 03000, Delegation for Human Capital and Human Resources
- F. Executive Order 13548, *Increasing Federal Employment of Individuals with Disabilities*, July 26, 2012, Section 3. *Increasing Agencies' Retention and Return to Work of Individuals with Disabilities*

IV. Responsibilities

A. **DHS Chief Human Capital Officer (CHCO):**

1. Prepares Department-wide policy for administering the Workers' Compensation Program within DHS.
2. Ensures DHS-wide policy and program implementation, productive coordination with the DOL and periodic reviews/evaluations of Components' workers' compensation programs.
3. Provides technical advice and assistance to Components.
4. Designates the DHS Workers' Compensation Program Manager.

B. **DHS Chief Financial Officer (CFO)** issues budgeting and accounting guidance to ensure proper planning and accounting for the costs of workers' compensation claims each year.

C. **Component Heads:**

1. Establish and maintain an effective and comprehensive workers' compensation program for their employees consistent with the requirements in FECA, DOL's regulations, and this Directive.
2. Designate the Component's Workers' Compensation Manager.
3. Ensure an organizational structure is in place to effectively manage the number of FECA compensation cases.
4. Ensure that responsibilities under labor relations statutes and union agreements are fulfilled, if applicable, at the level of recognition.
5. Implement a medical case management program/system to ensure active and appropriate oversight of injured employee claims.

D. **Executive Director, Headquarters Human Resources Management and Services (HRMS)**, assumes the responsibilities listed under section IV.C and IV.G for all Support Components, as identified in DHS Management Directive 252-01, section V.B., with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Center (FLETC).

E. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under section IV.C for their respective Support Component.

F. **DHS Workers' Compensation Program Manager (OCHCO)**:

1. Serves as the principal policy advisor responsible for establishing policies, procedures, principles, and guidelines that ensure effective and efficient management of the DHS Workers' Compensation Program.
2. Serves as the DHS headquarters liaison with DOL on Office of Workers' Compensation Programs-related issues.
3. Develops and conducts program reviews and provides advice and training to Components on the interpretation and application of workers' compensation legislation, regulations, policies, and processes.
4. Analyzes trends, develops reports, and presents findings to DHS officials; proposes strategies for improving program management; plans, develops, and implements programs and initiatives to control injury-related costs; and increases workforce readiness to support DHS missions.

G. **Component Workers' Compensation Manager**:

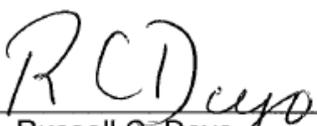
1. Serves as the program lead and is responsible for administering and managing the workers' compensation program within the Component through designated Workers' Compensation personnel.
2. Minimizes workers' compensation costs to the extent possible through focusing on effective and efficient administration of return-to-work opportunities and oversight of the Component's charge-back reports.
3. Assists designated Workers' Compensation personnel in implementing program policies, initiatives, and management actions to support DHS goals, objectives, and responsibilities, as required by FECA, DOL's regulations, and this Directive.

V. Policy and Requirements

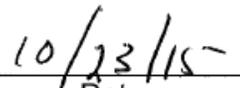
- A. Components adopt an efficient claims intake process and system of records to maintain and manage workers' compensation cases, as governed by the DOL/GOVT-1 SORN, which asserts control of all records relating to an injury or death of civilian employee entitled to FECA benefits, to include copies of all forms and documents relating to an injury claim maintained by the employing agency.
- B. Review, investigate and address all available accident and/or injury information related to FECA claims to ensure program efficiency;
- C. Ensure a systematic and timely process is in place to review, verify, and correct data contained in the DOL quarterly chargeback reports and annual chargeback bills; and
- D. Limit unnecessary program costs by proactively providing work to all injured employees as soon as possible after an injury or illness, within physicians' restrictions.

VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Russell C. Deyo
Under Secretary for Management



Date