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Responsible Office: Office of the Chief Health & Medical Officer

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Chapter 6. Federal Workers' Compensation (FWC) Program

6.1 General

6.1.1 Policy

6.1.1.1 Each NASA Center shall develop a written FWC Program. The program shall be reviewed and updated at least annually to account for changes in personnel, changes in roles and responsibilities, changes in Agency policies and procedures, and changes in Federal regulations. All regulatory guidance documents used to develop a Workers' Compensation Program and claims forms shall be the most recent versions. The most up-to-date versions of Workers' Compensation claim forms can be accessed at:
<http://www.dol.gov/esa/owcp/dfec/regs/compliance/forms.htm>.

6.1.2 Safety, Health and Return to Employment (SHARE)

6.1.2.1 NASA shall process FWC claims and reports in accordance with the Office of Workers' Compensation Programs (OWCP) information and timeliness requirements. NASA shall also aim to reduce the number of FWC claims and increase the timeliness of reporting injuries and illnesses to the Department of Labor (DOL) in accordance with Presidential initiatives implemented during the past decade. The 2004 SHARE Presidential initiative mandates that agencies attempt to reduce the number and severity of claims, improve the timeliness of claim submittals, and make strong efforts to promptly return employees to their jobs. In 2006, the President extended the 2004 SHARE Initiative through Fiscal Year 2009.

6.1.3 Eligibility

6.1.3.1 All U.S. civilian employees except those paid from non-appropriated funds are covered by Federal Employee Compensation Act (FECA). Special circumstances may apply to contract employees, volunteers, and loaned employees. Coverage is extended to Federal employees regardless of the length of time on the job or the type of position held. Probationary, temporary, and term employees are covered on the same basis as permanent employees. Part-time, seasonal, and intermittent employees are also covered.

6.1.3.2 To be eligible under FECA, an injury or illness must occur on NASA's premises during working hours while an employee is performing assigned duties or engaging in an activity that is reasonably associated with their employment. Coverage extends to an employee's use of facilities for comfort, health, and convenience, as well as eating meals and snacks provided on the premises. "Premises" includes areas immediately outside an employee's workplace, such as steps or sidewalks if they are Federally-owned or maintained. Coverage extends to employees who are on the premises for a reasonable time (e.g., 30 minutes) before or after working hours. Employees injured while engaging in the internal business of a labor organization such as soliciting new members or collecting dues are not covered. NASA-owned, controlled, and managed parking facilities are considered "on premises" if an employee is injured there.

6.1.3.3 Workers performing assigned duties offsite are also covered. Examples of these instances include running errands, conducting special missions, and teleworking. Injuries occurring during an employee's lunch hour off the

premises are not usually covered unless the employee is in travel status or performing their regular duties off premises. An employee in travel status is covered by FECA 24 hours per day for all activities incidental to the work assignment, including obtaining meals, using the hotel room, and traveling between the hotel and worksite. Coverage does not include recreational or sightseeing trips. Also not included is coverage for unauthorized "off premises" activities, willful misconduct, and intoxication by alcohol or illegal drugs.

6.1.3.4 Employee injury claims involving traffic accidents shall include a diagram or map showing the location of the accident in relation to the places where official duty was last performed and next scheduled. Other potentially applicable circumstances where employees sustain injuries shall be determined on a case by case basis. Examples include employees engaged in recreational activities on NASA's premises, horseplay, assault, and emergencies.

6.1.4 Records Access and Privacy Act

6.1.4.1 Medical records shall be handled with care and with restricted access to those with a specific need to have it. Records are managed and disposed of under the provisions of NASA 10 Health Information Management Systems (HIMS) of Records.

6.1.5 Forms

6.1.5.1 Forms used for FWC claims include the following:

- a. CA-1: Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation;
- b. CA-2: Notice of Occupational Disease and Claim for Compensation;
- c. CA-2a: Notice of Recurrence;
- d. CA-6: Official Supervisor Report of Employee's Death;
- e. CA-7: Claim for Compensation;
- f. CA-16: Authorization for Examination and/or Treatment;
- g. CA-17: Duty Status Report;
- h. CA-20: Attending Physician's Report (attached to Form CA-7);
- i. CA-7b: Leave Buy-Back Worksheet;
- j. CA-35: Evidence to Support Medical Claim;
- k. OWCP-915: Claim for Medical Reimbursement; and
- l. HCFA-1500/OWCP 1500: Health Insurance Claim Form.

6.1.6 Case Management

6.1.6.1 NASA Centers shall include as part of their FWC Program a case management program for short- and long-term injuries and illnesses. Prompt processing of FWC claims through a case management system assures the most expeditious authorization of medical care for the injured or ill and facilitates the return to productive employment. Case management consists of monitoring an employee's medical treatment and tracking the employee's ability to return to work.

6.1.6.2 Case management shall include the formation of a working group at each Center that meets quarterly. In addition to the Center Workers' Compensation Officer (WCO), the working group shall have representatives from the Center's Medical Clinic, the Human Resources Office, and the Safety Office, as well as the appropriate employee representatives such as the case manager, supervisor, or union representatives. The entire working group or a specific working group representative may be requested to meet and provide assistance to the Center WCO.

6.1.6.3 Case management shall also include other forms of communication, such as telephone or e-mail contact with appropriate staff.

6.1.6.4 Case management shall include periodic visits by the Center WCO or Case Manager to the DOL OWCP regional office to review case files in order to identify the possibility of closing long-term cases.

6.2 Responsibilities

6.2.1 NASA Chief Health and Medical Office (CHMO), Occupational Health (OH) establishes the responsibilities and procedures for the Agency's FWC, evaluates workers' compensation data trends, and monitors Agency-wide costs.

6.2.2 NASA Center Senior Management ensures that (1) Center-specific guidelines for managing FWC injuries and illnesses are implemented, (2) OWCP data is provided to the Agency Workers' Compensation Program Manager, (3) a civil service or designated contractor WCO and an alternate are designated for the Center, (4) the WCO has a

permanent, separate, and solid (not portable/cubicle) walled private office where employee medical data can be discussed, (5) quarterly FWC cost data and the numbers and types of injuries and illnesses that have occurred at their Center have been reviewed by appropriate Center management personnel, and (6) SHARE data for their Center has been reviewed and distributed to the appropriate Center management personnel.

6.2.3 Agency Workers' Compensation Manager shall be a civil service employee who: (1) reports to the Agency OH Director in the Office of the Chief Health and Medical Officer (OCHMO), (2) serves as the NASA liaison with the DOL, including submittal of reports, (3) determines the Center's level of access to OWCP and other organizations for Workers' Compensation data, (4) provides quarterly reports of numbers and costs of occupational-related injuries and illnesses to the OH Director, (5) provides assistance to Center WCOs in controverting questionable claims, reviewing cases of permanent disability, communicating changes in OWCP requirements/procedures/guidelines, and assisting with other FWC issues, (6) notifies OWCP of errors in chargeback billing reported by Center WCOs, (7) monitors the Agency OWCP data trends and costs and provides that data to the Agency OH Director, (8) establishes the responsibilities and procedures for the Agency FWC Program, and (9) coordinates with the Headquarters WCO when processing paperwork for Office of Inspector General employees injured on-site.

6.2.4 Center Occupational Medical Clinic Personnel: (1) work and coordinate with the Center WCO on FWC cases, (2) provide medical evaluations of employees for new limited-duty and current positions, (3) evaluate private physician medical diagnoses and recommend a course of action to Center management regarding an occupationally injured employee's return to work options, and (4) serve as the medical points of contact in FWC case management.

6.2.5 The Center Human Resources Office (HRO) works with Center Occupational Medical Clinic personnel, WCOs, and employee supervisors to recommend current and future work activities for injured/ill employees who are eligible to return to work on a modified duty status. The HRO also provides a representative to participate in the Center FWC working group.

6.2.6 Center Workers' Compensation Officer (WCO): The WCO shall be a Civil Service employee; a contractor employee may fulfill this position with management concurrence. An alternate shall also be designated and may be either a Civil Service or contractor employee. In some cases, the WCO is also the FWC Case Manager. The Center WCO (and alternate when required) shall:

- a. Take initial and refresher training provided by the Center's associated regional OWCP office or equivalent;
- b. Lead and participate in the Center FWC Working Group, as necessary;
- c. Report Continuation of Pay (COP) and injury data to the Agency Workers' Compensation Manager and Center management quarterly;
- d. Maintain records of employee claims at their Center;
- e. Track COP costs and compensation costs for all active Center cases;
- f. Provide quarterly reports to the Center Director and other Center Management in a format determined by the Center;
- g. Maintain a history and current status of employee injury/illness and work capability and costs for all claimants except for survivor benefits;
- h. Document the return to work progress for limited duty return to work where an employee cannot return to full duty;
- i. Periodically review cases at the Center's associated OWCP district office (the Center Medical Director may be included if the WCO or alternate is not the Case Manager. Special efforts shall be taken to document long-term cases); and
- j. Inform Center supervisors and employees about their responsibilities and rights concerning on-the-job injuries and illnesses. This may be conducted through training classes, memoranda, employee handbooks, newsletters, and similar methods.

6.2.7 Case Managers support employees throughout the FWC treatment and return-to-work process. Duties shall include monitoring appropriateness and effectiveness of medical care being provided, assessing employee compliance with treatment recommendations, and facilitating employees' return to work within medical limitations.

6.2.8 Employee Supervisors shall complete required FWC forms and assist in identifying light-duty and modified job descriptions for employees who are eligible for return to work on a limited basis.

6.2.9 Injured Employees: (1) provide information on work-related injuries and illnesses to their supervisors, (2) provide medical reports and complete DOL OWCP forms (e.g., CA-1/CA-2) with Center WCOs for evaluation, (3) request written descriptions of light duty jobs available from their immediate supervisors and provide that information to the treating physician to find out when return to work is possible (COP/compensation may be terminated if employee refuses work that is within medical restrictions provided by treating physician and without good cause or if employee does not respond within specified time limits to a job offer at the employee's NASA Center location).

6.3 Process Description

6.3.1 Each NASA Center (and component Facility, if applicable) shall have their own specific written procedures for employee reporting of work-related illnesses and injuries, as well as Center-specific written processing and reporting procedures used for FWC case management.

6.3.2 In general, the process for work-related illness and injury claims, processing, and reporting shall follow the course as described below. Because staffing resources and responsibilities differ at each Center, the process shall adhere to the procedures to the extent possible. Deadlines shall be adhered to in all cases.

6.3.3 An employee who sustains a work-related injury or illness shall report the incident to their immediate supervisor and/or the Center WCO. The employee's supervisor shall complete the front of Form CA-16 for the employee to take to a medical facility within four hours of the request whenever possible. An OWCP-1500 may also be provided to the employee at this time. If there is no time to complete Form CA-16, the completed form may be sent to the medical facility within 48 hours. In the case of serious injury/death during duty hours, the supervisor promptly notifies the Center WCO. An employee death requires the supervisor to complete a Form CA-6, Official Supervisor's Report of Employee's Death."

6.3.4 The employee shall seek treatment onsite at the NASA Center clinic or offsite using his/her private licensed physician. In emergency situations, the employee is transported offsite.

6.3.5 The employee shall provide the Form CA-16 (and the OWCP-1500, if available) to the treating physician. A Form CA-20 which is attached to Form CA-7 may also be provided to the treating physician in lieu of a Form CA-16.

6.3.6 Employees shall report work-related injuries and illnesses to the first line supervisor and the Center Health Unit immediately. After occurrence of injury or illness, employees shall be evaluated by a licensed physician at the Center Health Unit. After being seen by a licensed physician at the Health Unit, employees may be treated by a medical practitioner of their choice, including the Health Unit physician. In fitness for duty determinations, the employee may provide their physician's opinions to the Health Unit for inclusion in their medical record. Before returning to work to resume normal full-time duties after an occupational injury or illness, employees shall report to the Health Unit for evaluation/screening.

6.3.7 The OH clinic staff shall obtain a Federal employee's history, assess the injury or illness, and provide treatment if it is within the scope of the facility's capabilities. The Clinic shall review injury, illness status of claimants, provide immediate and follow-on medical care, and provide medical management of claims.

6.3.8 If the case is expected to be sent to OWCP, a medical report from the treating physician is required. The medical report from the attending physician shall include: dates of examination and treatment, history given by employee, physical findings, results of diagnostics tests, diagnosis, course of treatment, other conditions found but not due to the claimed injury, treatment given or recommendation for claimed injury treatment, medically-based physician's opinion as to the causal relationship between diagnosis and factors or conditions of employment, extent of disability affecting employee's ability to work due to injury, and the prognosis for recovery.

6.3.9 The employee shall provide medical documentation, including information on medical limitations (CA-16 or CA-20) and completed compensation forms to the Center WCO for review before a formal claim is made.

6.3.10 If the employee incurs medical expenses or loss of time from work beyond the date of injury, a Form CA-1 or Form CA-2 shall be completed by the employee and submitted to the employee's supervisor as soon as possible. Form CA-1 or Form CA-2 shall be completed no later than 30 days from the date of injury. The form may be completed by someone acting on the employee's behalf (e.g., family member, supervisor, co-worker); however the form must contain the original signature of the injured employee. If submitting a Form CA-2, a Form CA-35 "Evidence Required in Support of a Claim for Occupational Disease" form/checklist is also required.

6.3.11 The supervisor shall provide the Form CA-1 or Form CA-2 to the Center WCO within three (3) working days of receipt from the employee. The Form CA-1 serves as the employee's claim for COP. The Form CA-1 or Form CA-2 shall be sent to the appropriate DOL district office by the Center WCO as soon as possible but no later than ten (10) working days after receipt of the form from the employee or the employee's supervisor.

6.3.12 If the injury is considered first-aid only and the employee obtains no medical care on the date of injury, and no time lost is charged to leave or COP, Form CA-1 is filed in the employee's medical file. First aid injuries include those injuries requiring two or more visits to a medical facility for exam/treatment during non-duty hours beyond the date of injury, as long as no leave/COP is charged and no medical expenses are incurred by the employee. Center WCOs shall record whether claims were first-aid only and the date (if applicable) when the first-aid injury became a nonfirst-aid reportable injury.

6.3.13 Center WCOs shall work with employees to assist in filing claims and work with the Center Medical Director and supervisor for potential cases of controversion. Controverting a claim may require consulting with the Center's Office of Chief Counsel. If the injury is found not to be work-related, the claim is controverted by the WCO. Only the

OWCP has the authority to accept or deny a claim. If NASA pays or withholds a COP, OWCP has the authority to review the case. Medical evidence determines whether an accepted case will result in payment of disability benefits. The WCO shall terminate payment of COP if medical evidence of an injury or illness is not provided within ten (10) calendar days from the date the injury began.

6.3.14 The Center WCO shall use Form CA-17 to obtain interim medical reports about an employee's fitness for duty. The employee's supervisor completes NASA's portion of the form by describing the physical requirements of the employee's job and noting the availability of any light or limited duty positions or work. The Form CA-17 is then completed by the employee's physician who sends the original form to the NASA Center WCO and a copy to the appropriate OWCP district office. CA-17 forms may be sent to the employee's physician at reasonable intervals but not more than once per week to monitor the employee's medical status and ability to return to light or full duty.

6.3.15 NASA, in accordance with the DOL OWCP requirements, shall offer appropriate light or limited duty work for employees' safe and expeditious return to work. FECA provides that employees must actively seek suitable work as soon as possible. This includes returning employees from the long-term rolls (those who have been off work more than one year). Supervisors of injured employees shall make every effort possible to structure or modify an injured employee's work duties to meet medical limitations and to allow the employee to return to work. Position descriptions do not need to be modified unless the modification is long term. An injured employee must accept a reasonable offer of limited duty work that the employee can perform or provide explanation to OWCP for declining. If receiving COP and the employee refuses the limited duty work, COP is terminated upon refusal or within five (5) days of the job offer. If work is not available, OWCP provides nurse and vocational rehabilitation services to help employees return to work with NASA or another Federal or private sector employer. Employees are expected to cooperate with vocational rehabilitation efforts and FECA provides sanctions for those who do not cooperate, including the termination of compensation.

6.3.16 The Center Human Resources Office shall coordinate with Center Medical Clinic staff, the Center WCO, and employee supervisors to provide recommendations to determine an employee's eligibility to return to work on a limited basis. The Center WCO and the employee's supervisor shall identify suitable jobs and initiate efforts to re-employ the employee as soon as it is determined that this is possible.

6.3.17 An employee who sustains a disabling traumatic injury may request continuation of pay (COP) for the period of disability. If the employee cannot return to work due to the nature of the injury, and the injury continues beyond 45 calendar days, the employee must claim OWCP compensation on Form CA-7 or use sick or annual leave or enter a leave without pay status.

6.3.18 Center WCOs shall maintain periodic contact with injured employees while they are receiving workers' compensation benefits.

6.3.19 Ongoing care and followup shall be provided to the injured employee until the employee's Maximum Medical Improvement has been reached.

6.3.20 The employee reports to the Center's Health Clinic to ensure that he/she is 100 percent fit for duty before resuming normal/unlimited duties.

6.3.21 The Center WCO shall notify the OWCP claims examiner/district office when an injured worker returns to work. A letter shall also be sent by the Center WCO to OWCP to document the case status in writing.

6.4 Reports and Recordkeeping

6.4.1 The FECA fiscal year is July 1 through June 30 for chargeback purposes. The first quarter is July 1 through September 31. The second quarter is October 1 through December 31. The third quarter is January 1 through March 31. The fourth quarter is April 1 through June 30.

6.4.2 Center WCOs shall provide quarterly claim reports to the Agency Federal Workers' Compensation Manager to show progress made toward reducing the number and costs of Workers Compensation injuries and the number of lost work hours for employees receiving benefits. Each quarterly report shall include the number of employees requiring work limitation and the number of employees returned to alternate work.

6.4.3 The Agency FWC Manager shall be notified by Center WCOs of any employee deaths, multiple injuries/illnesses from events likely to result in multiple claims, scheduled awards for injuries/illnesses in excess of \$25,000, or acceptance of any hearing loss claims.

6.4.4 Quarterly reports shall be completed and submitted to the Agency Workers' Compensation Manager and also to the WCO's Center management no later than January 25, April 25, July 25, and October 25 each year. COP cases reported shall include the claimant name, hours, and cost of COP, payments made in the most recent quarter, and payments made in the previous quarter.

6.4.5 Center WCOs shall maintain records of employee injuries and dates of issue and submittal to OWCP of CA-1/CA-2/CA-16 forms. Records shall be safeguarded in accordance with all privacy statutes and requirements and

retained according to NPR 1441.1 NASA Records Retention Schedules. Where the technology is available, public key infrastructure shall be used for electronic transmission of personal medical information.

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