



From Injury to Recovery

Navigating Light Duty Return-to-Work Paths

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This course will cover:



1

Regulatory Framework

Understanding 20 CFR 10.500, 5 USC 8106(c), and DFEC guidelines for return to work.

2

Light Duty Process

Purpose, development, and implementation of light duty job offers, including agency and OWCP responsibilities.

3

Employee Rights & Responsibilities

Understanding acceptance, declination, and consequences of light duty assignments.

4

Documentation & Procedures

Required paperwork, medical verification, and proper form submission.

20 CFR 10.500 - Basic Rules for Continuing Compensation

Compensation for wage loss due to a work-related disability is available only for periods when the condition prevents an employee from earning their pre-injury wages. Benefits are temporary, supporting return to work.



FECA as a Return-to-Work Program

The Federal Employees' Compensation Act (FECA) helps injured workers recover and return to employment. It's designed for temporary support, not indefinite benefits.

Employees are expected to seek necessary medical treatment and return to their previous job when able. If immediate return isn't possible, agencies are encouraged to offer suitable light-duty or part-time work.



Purpose of Light Duty Job Offers

Facilitates Recovery

Aids employee's physical & psychological recovery.

Maintains Employment Connection

Keeps employee connected to their workplace and career path.

Reduces Financial Impact

Minimizes income loss by allowing work within medical restrictions.

Supports Agency Operations

Allows agency to benefit from employee's skills while they recover.



Barriers to Return to Work



Timing and Communication Challenges

- **Timing of Offer:** Determining the right time for return to work is complex, depending on injury severity and job functions.
- **Poor Communication:** Inadequate communication among claimant, physician, and employer hinders return-to-work efforts and slows recovery.
- Administrative requirements for medical review can delay treatment or reemployment.

Economic Considerations

Disincentive: Compensation for lost wages can create a disincentive for claimants to return to work.

Barriers to Return to Work

Compensation Benefit Perceptions

Many FECA claimants view the benefits as an entitlement program rather than a temporary support system.

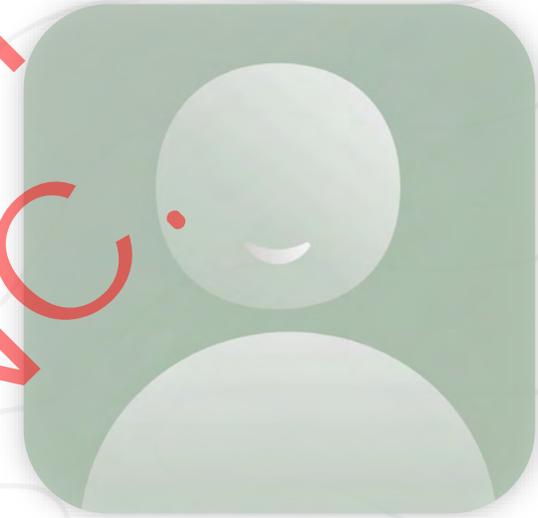
FECA compensation benefits are generous, tax-free, and can continue past retirement age.

This fosters a psychological barrier to returning to work. It's crucial to understand FECA is a bridge to employment, not a permanent replacement.



OWCP Challenges

DOL claims examiners' incentives may not align with program goals.



- Large caseloads hinder individualized attention for claimants.
- Delays in processing paperwork and medical documents prolong time away.
- High caseloads lead to difficulty triaging cases and timely service.
- System complexity causes confusion about responsibilities and timelines.

Agency Challenges

Agencies struggle to find appropriate job duties within physical limitations.

Supervisors may resist light duty due to:

- Productivity concerns
- Limited understanding of medical restrictions
- Personal bias
- Lack of modified work options in specialized roles

Understanding these barriers helps both employees and supervisors work more effectively together to overcome them and facilitate successful return to work.



20 CFR § 10.500 – The Legal Foundation



An employee cannot remain on compensation when suitable work is available within their medical restrictions.

Understanding this regulation is essential for all injured workers, as it forms the basis for light duty assignments and return-to-work programs across federal agencies.

20 CFR § 10.500 – No Compensation When Light Duty is Available



An employee is not entitled to compensation for wage-loss claimed on a CA-7 if evidence shows:

Work Capacity
Medical work restrictions allowed for modified work.

Available Work
Light duty within restrictions was available at the agency.

Written Notification
The employee was previously notified in writing of duty availability.

All three conditions must be met for OWCP to deny wage-loss compensation.

DFEC PM 2-0814-9 - Temporary Assignments

The DFEC Procedure Manual details the structure and implementation of temporary light duty assignments.

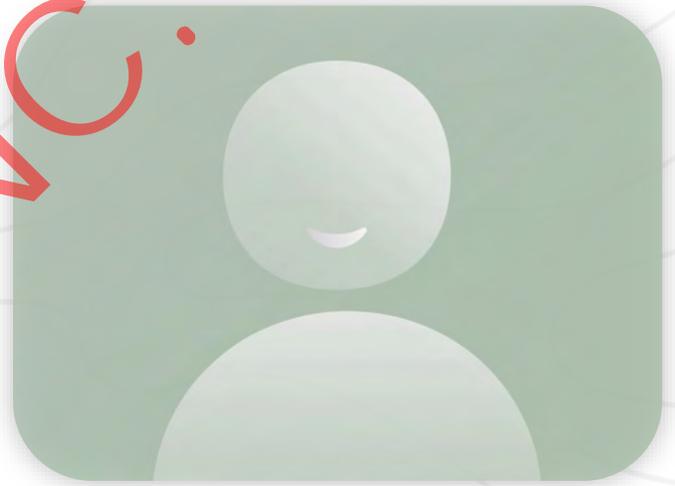
Key Points from the Procedure Manual:

- Assignments must be consistent with medical restrictions.
- Utilize employee skills whenever possible.
- Collaborative process among agency, employee, and medical providers.
- Strict adherence to documentation requirements.
- Specific responsibilities for both employees and agencies.



Agency Action – Obtaining Work Capacity

Section 10.506 of the CFR allows an employing agency to monitor the injured worker's medical care.



- ✓ Employer may contact the injured worker for updated medical information.
- ✓ Medical providers assess recovery, return-to-work readiness, and work limitations for benefit determination.
- ✓ Employer may contact the physician, but **only** in writing.
- ✓ Agency can request work restrictions from the physician, OWCP nurse, or OWCP.

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Key Steps to Obtain Work Capacity



Maintain contact with claimant and supervisor for work status.



Remind claimant to provide medical documentation after visits.



Remind claimant of the requirement to accept transitional/light duty offers [5 USC 8106 (C) (2)].



Supporting Return to Work



Federal agencies have specific responsibilities in facilitating the return-to-work process for injured employees.

Key Agency Responsibilities:

- Maintaining contact with injured employees
- Developing appropriate light duty assignments
- Properly documenting and communicating job offers
- Working with medical providers to understand restrictions
- Ensuring compliance with FECA regulations

Offer of Suitable Work

§10.507 How should the employer make an offer of suitable work?

(a) If the employee can perform in a specific alternative position available in the agency, and the employer has advised the employee in writing of the specific duties and physical requirements, the employer shall notify the employee in writing immediately of the date of availability.



Offer of Suitable Work

(b) If the employee can perform restricted or limited duties, the employer should determine whether such duties are available or whether an existing job can be modified. If so, the employer shall advise the employee in writing of the duties, their physical requirements and availability.



Medical Determination

Physician establishes restrictions



Agency Assessment

Agency identifies available duties



Job Modification

Existing jobs modified or new duties created



Written Offer

Detailed written offer provided to employee

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Developing a Job Offer

Developing a suitable light duty assignment requires careful consideration. The offer must align with the employee's medical condition while providing meaningful work for the agency.

Key Considerations:

- Employee's medical restrictions
- Utilization of employee's skills and experience
- Contribution to agency mission
- Clear definition of location, schedule, and duration
- Thorough documentation



Commuting Distance

Current Location Priority

Assignment should be in the claimant's current residence location.

Commuting Area Option

If impractical, a different location within the claimant's commuting area is acceptable.

50-Mile Maximum

Reemployment at other locations must be no more than 50 miles from the claimant's residence.

Physical Capability

The claimant must be physically able to perform the commute.



Number of Hours

Temporary assignments with fewer than released hours are appropriate when:

Minimum Hours

Assignment is for at least half of the total released hours

Daily/Pay Period Minimum

Assignment is for at least two hours per day (or 20 hours per pay period)

Agency Verification

Agency provides written verification it cannot provide work for the total released hours.



Offer of Suitable Work

All job offers must be made in writing. While a verbal offer is permitted, it must be followed by a complete written offer to the employee within **two business days**. This offer must describe the duties, their physical requirements, and the deadline for the employee's decision.

A copy of the job offer must be sent to OWCP at the same time it is sent to the employee.



Required Elements

Written temporary assignments must include these:

-  **Duties Description**
Description of duties
-  **Duration**
Start and end date (if any)
-  **Physical Requirements**
Specific physical requirements
-  **Schedule**
Work schedule (including telework)
-  **Location**
Organizational and geographical location
-  **Salary**
Pay rate information
-  **Response Deadline**
Date response is required



Job Offer Process

- Agency contacts the claimant with the job offer information, including when and where to report to duty.
- Ensure any verbal offer of suitable work is followed up in writing within 2 business days, including all required elements.
- Instruct supervisors to obtain employee decision and signature on the written job offer and return it to WCP staff.
- A new light duty job offer is required when assignments are modified due to changes in restrictions.



Acceptance and Processing a CA-3



Report of Return to Work

When claimant accepts a light duty assignment and returns to work, Form CA-3 must be completed by agency. This critical form documents:

- Date of return to work
- Type of work (regular or light duty)
- Work schedule and pay rate
- Submission to OWCP within 10 days

Timely submission prevents overpayment and ensures accurate records.

Declination of Job Offer

An employee refusing suitable work must show the refusal was reasonable or justified. (20 CFR 10.517)



Acceptable reasons for declining:

- Physically unable to travel to job site
- Medical evidence shows inability to perform duties



Unacceptable reasons for declining:

- Preference for a permanent position
- Personal dislike of assignment or hours
- Desire to pursue other activities
- General dissatisfaction with offer
- Preference to receive compensation



5 USC 8106(c) – Consequences of Refusing Suitable Work

A partially disabled employee is not entitled to compensation if they:

1. Refuse to seek suitable work; or
2. Refuse or neglect to work after suitable work is offered to, procured by, or secured for them.

⊗ IMPORTANT DISTINCTION

The penalty for refusing suitable work does not apply to temporary job offers. Do not request "suitability" on light duty job offers unless the employee is in a Periodic Roll Status.



Entitlements After Declination

0%

Wage-Loss Compensation

Claimant may lose all wage-loss compensation if light duty is unjustifiably declined.

100%

Medical Benefits

Medical benefits for work-related condition continue.

45 Days

Appeal Window

Time to request reconsideration of an OWCP decision.

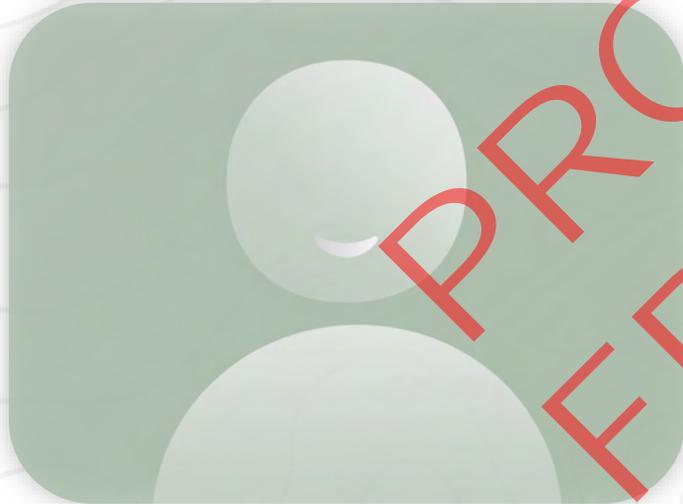


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Process After Declination

Agency Action - Declination

If the claimant doesn't return to work or provide an acceptable reason for declining the assignment, the agency should request OWCP to issue a formal decision (under 20 CFR §10.500(a)) denying or reducing compensation.



The OWCP Process - Declination

If a claimant declines an appropriate assignment, the Claims Examiner will:

- For claimants not on Periodic Roll: issue a development letter.
- For claimants on Periodic Roll: issue notice of proposed proposed termination/reduction of compensation. compensation.
- Provide the claimant with 30 days to respond.
- Make determination based on response and evidence. evidence.

OWCP and Non-Periodic Roll Claimants

If a temporary assignment is offered and declined by a claimant not on the Periodic Roll, OWCP will verify:

- 1 Medical Evidence**
Injury-related restrictions are medically established.
- 2 Light Duty Available**
Suitable light duty was available at the agency.
- 3 Written Notification**
The claimant was notified in writing of available light duty.
- 4 OWCP Decision**
If all conditions are met, compensation may be denied for the period light duty was available.



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OWCP and Claimants on the Periodic Roll

Claimants on the Periodic Roll (PR) receive continuous wage-loss compensation, implying an expectation of ongoing payments.

Therefore, offering a temporary light duty assignment requires greater notification and due process than for claimants not on the PR.

Periodic Roll Status

Claimants on the periodic roll receive regular payments every 28 days without having to submit additional claims forms.



Facilitation Return to Work



Work capacity and restrictions

Obtain current medical documentation of work capacity and limitations.

Develop Assignments

Create meaningful work within medical restrictions.

Develop Offer

Ensure job offers are written and contain all required elements.

Provide Ongoing Support

Monitor progress and adjust assignments as conditions change.

Maintain Communication

Keep open communication with employee, physicians, and OWCP.

Following these practices helps agencies create supportive environments, facilitating faster recovery and successful return to employment.