

MPG 3810.1

REVISION B

EFFECTIVE DATE: January 30, 2004

EXPIRATION DATE: January 30, 2009

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# **MARSHALL PROCEDURES AND GUIDELINES**

**QS01**

## **MSFC MANAGEMENT OF WORKERS ' COMPENSATION INJURIES**

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### DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	Effective Date	Description
Baseline		7/10/00	
Revision	A	3/26/01	All references to NPG 1840.1 have been deleted. Added "Key responsibilities are listed below. A complete list of responsibilities is provided in NPD 1840.1A" to section 2. Changed paragraph 2.2 to read "Medical Center Personnel provides emergency first-aid care for job-related injuries and illnesses, and completes appropriate OWCP and other reporting forms. Changed 3.2.1 to read "Evaluate all work-related injuries, provide referral to medical provider or medical specialist as needed, and consultation to the Workers' Compensation Officer on appropriateness of medical treatment. This evaluation is used to determine the nature and scope of work the injured employee may perform in a limited duty status" and added "NOTE". Changed 3.2.2 to read "At the request of the Workers' Compensation Officer, evaluate previously injured employees currently receiving compensation to determine if the injured..." Deleted 3.2.3. Renumbered 3.4.4 to 3.5 and deleted last sentence and "NOTE".
Revision	B	1/30/2004	Improve wording for clarity. General update to incorporate the NPR 1840.1 and revisions to NPD 1840.1. Added to P.1 Purpose "that result in filing a claim for compensation to the Department of Labor Office of Workers' Compensation Programs", for clarity. Added to P.4 Applicable Documents, NPD 1382.17, "Privacy Act-Internal NASA Direction in Furtherance of NASA Regulation". Revised Director's signature block. Added definitions in 1. "Definitions" for clarity. In paragraph 2.2, added "provides medical consultation and medical case management through the Nurse Case Manager for the WCO". Added additional responsibilities to 2.3, 2.5, and 2.6 and 2.7 for clarity. Grammar changes in 3.1.1 for clarity. Changed "Occupational Health Program Office" to "Agency Workers' Compensation Program Manager" as stated in the NPR 1840.1. Grammar changes made in 3.1.3 and 3.1.4 for clarity. Added Nurse Case Manager (NCM) responsibilities in paragraphs 3.2.4 thru 3.2.9. In paragraph 3.3.1 added, "and illnesses believed to be caused by the work environment" and "seek medical treatment" for clarity. Added 3.4.4, "Notifies the WCO of evidence to controvert a claim." In paragraph 3.5.1 added, "Duties may be modified, where possible, based on acceptable medical documentation and where the accommodations/changes are reasonable. Position descriptions do not necessarily need to be modified unless the change is long term. These modified or light-duty positions are not new position descriptions, but modified

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			positions to facilitate an employee's expeditious return to work." For clarity of record keeping, added in paragraph 4.1, "3810, Injury Compensation. Cut off on termination of compensation or when deadline for filing a claim has passed. Destroy 3 years after cutoff" and added paragraph 4.1.2. Added 4.2.3, "CA-2a Notice of Recurrence." Updated the footer URL.

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## PREFACE

### **P.1 PURPOSE**

The purpose of this procedure is to implement the NASA Workers' Compensation Program described in NPD 1840.1 and NPR 1840.1. This document prescribes the Marshall Space Flight Center (MSFC) procedures and responsibilities for workplace injuries and illnesses that result in filing a claim for compensation to the Department of Labor (DOL) Office of Workers' Compensation Programs (OWCP), for the administration of the Federal Employees' Compensation Act (FECA).

### **P.2 APPLICABILITY**

This Marshall Procedures and Guidelines (MPG) is applicable to all civil service personnel at MSFC.

### **P.3 AUTHORITY**

- a. 42 U.S.C. 2473 (c) (1), the National Aeronautics and Space Act of 1958, as amended
- b. 5 U.S.C. 8101 et. seq., Federal Employees' Compensation Act, as amended
- c. 20 Code of Federal Regulations (CFR) Part 10, Subpart A
- d. Presidential Initiative, Federal Worker 2000, July 2, 1999

### **P.4 APPLICABLE DOCUMENTS**

- a. NPD 1840.1, "NASA Workers' Compensation Program"
- b. NPR 1441.1, "NASA Records Retention Schedules"
- c. NPR 1840.1, "Management of Workers' Compensation Injuries and Illnesses"
- d. NPD 1382.17, "Privacy Act - Internal NASA Direction in Furtherance of NASA Regulation"

### **P.5 REFERENCES**

None

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## P.6 CANCELLATION

MPG 3810.1A dated March 26, 2001

Original signed by  
Axel Roth for

David A. King  
Director

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DOCUMENT CONTENT

**1. DEFINITIONS**

1.1 Continuation of Pay (COP). COP is continuation of an employee's regular salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury.

1.2 Controvert. To dispute, challenge, or deny the validity of a claim for COP.

1.3 Occupational Illness. An occupational illness is a condition produced in the work environment over a period longer than one workday or shift. It may result from, repeated stress or strain, exposure to toxins, poisons, fumes or other continuing conditions of the work environment.

1.4 Traumatic Injury. A traumatic injury is a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member of the body affected; it must be caused by a specific event or incident or series of events or incidents within a single day or work shift.

**2. RESPONSIBILITIES**

Key responsibilities are listed below. A complete list of responsibilities is provided in NPD 1840.1 and NPR 1840.1.

2.1 The Workers' Compensation Officer (WCO) administers and monitors the workers' compensation program, maintains records of claims, assists in preparing claims, and provides reports to the Agency Workers' Compensation Program Manager.

2.2 The MSFC Medical Center provides emergency first-aid care for job-related injuries and illnesses, provides medical consultation and medical case management through the Nurse Case Manager (NCM) for the WCO, and completes appropriate Office of Workers' Compensation Programs (OWCP) and other reporting forms.

2.3 Injured Employees are responsible for notifying their supervisor of any injury which occurs on the job, immediately seeking first aid at the MSFC Medical Center, and obtaining prior authorization for private medical care. Employees are responsible for reporting any illness believed to be caused by their employment to their supervisor, arranging for necessary medical treatment, and providing medical reports and factual

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evidence to substantiate the claim. If applicable, employees are responsible for obtaining a statement from a physician certifying that the employee is unable to work. Employees are responsible for submitting to medical examinations required for determination of disability status, and accepting light duty assignments during periods of partial disability. Employees are responsible for providing information on injuries and illnesses to their supervisors and medical reports to the WCO for evaluation before applying for compensation.

2.4 The Human Resources Manager provides recommendations for current and future work activities of injured employees.

2.5 Supervisors are responsible for ensuring that employees injured on the job receive appropriate first aid; coordinating with safety and environmental personnel in investigations of all mishaps resulting in injury, and in investigations of workplace conditions identified in illness claims; and for instituting positive measures to eradicate the causes of occupational injuries and illnesses by taking the necessary corrective actions. Supervisors coordinate with the WCO to ensure timeliness of claims, and to ensure accuracy of reporting time and attendance reports. Supervisors ensure that employees perform their duties in accordance with all policies, processes, and procedures. Supervisors work with the MSFC Medical Center NCM, the WCO, and Human Resources Office to modify work requirements for injured employees, if necessary.

2.6 The Chief Financial Officer provides reports on workers' compensation costs to Center Management; works with the WCO regarding potential pay adjustments for injured employees; verifies that COP does not exceed the 45-day limit, and furnishes COP usage information to the WCO.

2.7 The Industrial Safety Department is responsible for investigating the workplace conditions that are reported to cause compensable injuries and illnesses, to assure that conditions are corrected; and to furnish the WCO any information on workplace conditions required to support, controvert, or challenge a claim.

### 3. PROCEDURES

#### 3.1 The Workers' Compensation Officer:

3.1.1 Maintains a current record of all personnel submitting claims to the OWCP, which includes an annotation of medical status. Provides employees with Form CA-1 or CA-2 to file a claim, receives and reviews forms for adequacy and accuracy of

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content, and provides the employee with additional and applicable forms if loss of time occurs.

3.1.2 Provides a report within 3 working days to the Agency Workers' Compensation Program Manager which contains information on serious occupational injury or illness, as defined by DOL-ESA-OWCP Publication CA-810, likely to result in a claim to OWCP, or the death of an employee.

**NOTE:** An injury is considered to be serious when a reasonable potential for injury involves more than \$1500 in medical costs, the employee is off work for more than 7 calendar days, or traumatic death of an employee occurs during duty hours.

3.1.3 Monitors the number of lost work days and hours that is paid by MSFC (COP), and compensable hours paid by OWCP for each employee considered a new case.

**NOTE:** First aid claims (claims filed for injuries in which the injured was seen at the Medical Center and do not include lost time beyond the date of the injury nor medical charge) are retained by the WCO, with the notation "First Aid" added to the upper right portion of the CA-1 Form, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation." If claims subsequently require additional visits to the MSFC Medical Center, these claims should be sent to the OWCP. If a first aid claim later results in a compensable case, the claim is submitted within the 10 working days to the OWCP with a letter of explanation indicating the date MSFC became aware of the potential for lost time or medical expense.

3.1.4 Maintains records of timeliness of claims submitted to the OWCP. Processes claims to ensure arrival at OWCP no later than 10 working days after the Center receives written notification of a claim. The CA-1, CA-2, CA-2a, and CA-7 forms are considered to be official written notification and subject to the timeliness requirement set forth by the DOL OWCP.

3.1.5 Reviews long-term cases at OWCP offices to ensure quality control assessment of medical disposition of cases.

3.1.6 Obtains medical information from the OWCP or the injured employee as often as necessary within OWCP and Office of Personnel Management regulations to assess the possibility of return to regular or light-duty assignments.

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3.1.7 Advises physicians of any light-duty assignments available and their specific requirements to provide the best possible chance for reemployment.

3.1.8 Maintains contact with injured employees while they are receiving compensation, identifies jobs suitable for them, and initiates efforts to reemploy recovered or recovering employees as soon as the medical evidence indicates that this is possible.

3.1.9 Requests and arranges for independent medical examinations to determine if the individual is able to work in some capacity, thereby facilitating return to work.

3.1.10 Coordinates with the Human Resources Manager, the employee's supervisor, MSFC NCM, and medical personnel on placement of injured employees into limited-duty work, when medically feasible.

3.1.11 Submits quarterly reports to the Agency Workers' Compensation Program Manager.

### 3.2 MSFC Medical Center Personnel:

3.2.1 The NCM evaluates all work-related injuries, and illnesses, assists employee by providing referral to medical provider or specialist as needed, and consults with the MSFC physicians and the WCO on appropriateness of medical treatment. The NCM performs evaluation to determine the nature and scope of work the injured employee may perform in a limited-duty status.

3.2.2 The NCM establishes personal contacts and relationships within the outside health care community and maintains a network of medical providers to ensure good communication and quality medical care.

3.2.3 The NCM assures timely and appropriate medical treatment by assisting with referral to private medical provider or medical specialist and accompanying employee as needed; notifies the WCO and safety office of all MSFC injuries and illnesses; provides clear and readable medical reports to the WCO; and obtains prior authorization from the WCO for referral to private medical care unless an emergency situation exists.

3.2.4 The NCM coordinates with the treating physician to establish work limitations for all injured employees; obtains medical information from the OWCP or the injured employee as often as necessary within OWCP and Office of Personnel Management regulations to assess the possibility of return to regular or

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light-duty assignments; evaluates the private physician's medical diagnosis; and, coordinates with the Human Resources Office, employee's supervisor, and the WCO, in establishing temporary and/or permanent light duty assignments in lieu of compensation.

3.2.5 The NCM reviews specific Center job offers for consistency with medical limitations.

3.2.6 The NCM monitors on-going medical treatment and assesses compliance issues. Maintains contact with injured employees while they are receiving compensation, identifies jobs suitable for them, and initiates efforts to reemploy recovered or recovering employees as soon as the medical evidence indicates that this is possible. Provides follow-up support until maximum medical improvement (MMI) is achieved.

3.2.7 The NCM informs the WCO, and coordinates with the treating physician if findings suggest a non work-related causation, or a different diagnosis.

3.2.8 The NCM evaluates previously injured employees currently receiving compensation to determine if the injured employee may perform in a limited-duty status. This evaluation includes providing copies of medical documentation and reports through the WCO to the OWCP. The NCM identifies individuals who fail to report for an examination to the WCO that MSFC orders.

3.2.9 The NCM assists the WCO in reviewing long-term cases at the OWCP office to ensure quality control assessment of medical disposition of cases.

3.2.10 The NCM maintains contact with the WCO and keeps the WCO informed of medical status and provides reports.

### 3.3 Injured Employees:

3.3.1 Promptly report injuries and illnesses believed to be caused by the work environment to their supervisor and seek medical treatment at the MSFC Medical Center.

3.3.2 Obtain a CA-1 or CA-2 form from the WCO, complete the forms along with their supervisor within 2 working days and return the form to the WCO.

3.3.3 Advise their attending physician of NASA policy to provide suitable work within the physical limitations of the injury.

3.3.4 Immediately inform their supervisor and MSFC NCM or the

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WCO of any medical limitations imposed by the attending physician's report.

3.3.5 Accept any reasonable offer of suitable full-time or limited-duty work when the employee's physician's report indicates the employee is no longer totally disabled, or provide suitable explanation through the WCO, to the OWCP.

**NOTE:** If an employee is receiving COP and refuses limited-duty assignment, COP must be terminated upon refusal of the employee or within 5 days of the offer, whichever is earlier.

3.3.6 Maintain contact with the MSFC NCM, keeping informed of medical status. Upon returning to work after period of disability, obtain a fitness for duty evaluation from the MSFC NCM.

#### 3.4 Employee's Supervisor:

3.4.1 Completes the supervisor section of the CA-1 or CA-2 form within 2 working days and returns the form to the WCO.

3.4.2 Promptly notifies the WCO of a serious injury or death of an employee during duty hours.

3.4.3 Structures or modifies work duty with assistance from the Human Resources Office, MSFC Medical Center NCM, and the WCO, as needed, to meet temporary medical limitations of injured employees.

3.4.4 Notifies the WCO of evidence to controvert a claim.

#### 3.5 Human Resources Manager:

3.5.1 Works with the WCO, MSFC Medical Director, and the NCM to determine if current position descriptions are consistent with the injured employee's limitations. Duties may be modified, where possible, based on acceptable medical documentation and where the accommodations/changes are reasonable. Position descriptions do not necessarily need to be modified unless the change is long term. These modified or light-duty positions are not new position descriptions, but modified positions to facilitate an employee's expeditious return to work.

#### 3.6 The Chief Financial Officer:

3.6.1 Reports costs of workers' compensation claims to Center Management.

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3.6.2 Provides current pay period information to the WCO on injured employees for COP or other wage loss compensation paid by the OWCP.

#### 4. RECORDS

4.1 Records are dispositioned in accordance with NPR 1441.1, Schedule 3, 3810, Injury Compensation and are maintained by the WCO. Cut off on termination of compensation or when deadline for filing a claim has passed. Destroy 3 years after cutoff.

4.1.2 Documents in the case files are considered an alternate location for the records, which remain under the jurisdiction of OWCP and are maintained by the WCO. Their retention and disposal is covered by the OWCP Records Retirement Schedule, which requires that case file material be maintained for 2 years after case closure.

#### 4.2 Forms

4.2.1 CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation"

4.2.2 CA-2, "Notice of Occupational Disease and Claim for Compensation"

4.2.3 CA-2a, "Notice of Recurrence"

4.2.4 CA-7, "Claim for Compensation"

#### 5. FLOW DIAGRAM

None