Occupational Safety, Health and Workers’ Compensation

Supervisor Training
Section 1: Introduction
Course Administration

- Instructor introductions
- Fire exits and alarms
- Policy on refreshments in classroom
- Starting and ending times
- Breaks
- Course materials
- Questions
Course Overview

- Lecture
- Provide basic information
- Connect knowledge with real life applications
Objectives

At the end of this briefing attendees will be able to:

- Describe supervisor responsibilities for safety, health and workers’ compensation
- Identify required forms and reports related to safety, health and workers’ compensation
- Relate supervisory responsibilities to their workplace
Course Evaluation

- Used to:
  - Provide feedback to OOSH
  - Set goals
  - Improve course materials
  - Identify supervisors’ needs

- Your assistance is key to a better course
Safety and Workers’ Compensation

Supervisor

Safety

Workers’ Compensation

Prevention

Incident

Return to Work
Section 2: Occupational Safety and Health for Supervisors
Need for Legislation

In 1970, Congress considered these annual figures on workplace injuries and illnesses:

- Job-related accidents accounted for more than 14,000 worker deaths
- Nearly 2-1/2 million workers were disabled
- Estimated new cases of occupational diseases totaled 300,000
PURPOSE:

"... to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources."
OSH Act Objectives

- Encourage employers and employees to reduce workplace hazards
- Implement new or improve existing programs
- Provide OSH research
- Establish OSH training programs
OSH Act Objectives

- Establish and maintain **reporting and recordkeeping system** for occupational injuries and illnesses
- Develop and enforce mandatory **OSH standards**
- Provide for development and approval of **state OSH programs**
The Act Coverage

- The 50 states, District of Columbia, Puerto Rico, and all territories under Federal Government jurisdiction
- Any "person" engaged in a business affecting commerce who has employees
- Excludes the US government (except U.S. Postal Service), any State, or political subdivision of a State
Section 19 of the OSH Act: Federal Agencies

- Federal agency heads must operate comprehensive occupational S&H programs to ensure compliance with OSHA standards
- OSHA cannot impose monetary penalties against another federal agency (but periodically considered!)
- Compliance issues at local level are raised to higher organizational levels until resolved, similar to the private sector process
OSHA promulgates legally enforceable standards

States with OSHA-approved programs set standards at least as effective as federal standards

Where OSHA has not promulgated specific standards, employers are responsible for following the Act's General Duty Clause
General Duty Clause

OSH Act Section 5 (a) 1:
Each employer "shall furnish . . . a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees."
Executive Order 12196

- Restates that OSH Act applies to Federal Employees
- Restates responsibilities of Agency heads
- Provides for agency OSH committees
- Describes Duties of Secretary of Labor
- Required development of 29 CFR 1960
- Administration and responsibilities
- Designated Agency Safety and Health Officer
- Compliance with OSHA standards
- OSH inspections and abatements
- OSH committees
- OSH training, including supervisory personnel
- Recordkeeping and reporting requirements
- Evaluation of programs
Workplace Evaluations

- Every work place must be inspected annually
- A baseline survey should be done once every five years
- Job Hazard Analyses are conducted on the jobs done in a workplace
- Ergonomic Assessments are done on jobs that involve automation, but can be done on all jobs
Supervisor Responsibilities

Incident Prevention

- Monitor workplaces frequently to identify unsafe or unhealthful conditions
- Take prompt action to correct hazardous conditions
  - Take immediate interim action to safeguard employees
- Conduct job hazard analyses
- Conduct ergonomic assessments
- Encourage employees to report unsafe or unhealthful conditions
- Seek suggestions from employees for improve workplace conditions
Provide employees with special training prior to permitting work involving:
- Machine tools
- Chemicals
- Powered machinery
- Electrical systems
- Confined spaces
- Forklifts
- Elevated locations
- Other regulated hazardous work
Inform employees of:
- Hazards associated with their work prior to beginning work.
- Any personal protective equipment, such as respirators, safety glasses, fall protection, head or foot protection, etc.
- Emergency procedures
- Any unique hazards in the workplace and how to identify them
- How to report unsafe or unhealthful conditions
- Actions to take in the event of a work-related injury
Training Sources
- The Department and Bureau Safety and Health Offices offer safety and health training
- The Department Learning Management System contains a dozen good safety courses
- Contractors
- Professional Organizations

Maintain records of safety training provided,
- Dates of training
- Class rosters
- Lesson plans
Supervisor Responsibilities Slide 5 of 6

- Ensure that employees perform work in a safe manner

- Monitor employee behavior to ensure that work is being performed safely

- Take prompt action to correct any unsafe or unhealthful actions or behavior
Supervisor Responsibilities

- Incident Management
  - Investigate workplace mishaps
  - Take prompt corrective actions to prevent recurrence
  - Complete recordkeeping requirements
**OSH Recordkeeping**

- OSHA requires records of:
  - Injuries and illnesses
  - Incident investigations
  - Safety training
  - Hazard identification and abatement

- OSHA wants records to:
  - Document incidents;
  - Provide information on workplace hazards to employees; safety committees, unions and employees' representatives;
  - Identify trends, both industry wide and facility specific;
  - Data for Safety research;
Report of Injury, Illness, Accident, or Fatality – Form CD 137

- **Form is used to report an accident**
- **Should be completed within 24 hours**
- **The first-line supervisor or their manager completes the form**
- **The information may be transcribed from the applicable Workers’ Compensation (CA) forms**

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<table>
<thead>
<tr>
<th>Section</th>
<th>Information About the Employee</th>
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<tbody>
<tr>
<td>Name:</td>
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<td>Date of Birth:</td>
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<tr>
<td>Occupation:</td>
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<td>Date/Time of Accident/Illness:</td>
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<td>Duty Station Address, Including:</td>
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<tr>
<td>Location of Incident:</td>
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<table>
<thead>
<tr>
<th>Description of Incident:</th>
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<tr>
<td>Extent of Injury or Illness and Body Parts Affected:</td>
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</table>

| Section 2 | Person Treatment provided? | Yes | No |
| Date/Time of Incident: | Inadequate or excessive treatment? | Yes | No |
| Was the incident a reportable injury or illness? | Yes | No |
| Was the employee dismissed from work? | Yes | No |
| Did the incident result in death of one or more persons? | Yes | No |
| If yes, notify the Department of Occupational Safety and Health immediately at (202) 456-4935 |

<table>
<thead>
<tr>
<th>Supervisor’s Name:</th>
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<tr>
<td>Investigation Date:</td>
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| Section 3 | Describe corrective action taken: |
| Date of Completion of corrective action: | |
| Supervisor’s Signature: | |
| Date: | |
| Title: | |
| Phone: | |

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Office of Occupational Safety and Health
Complete and sign form
Submit original copy via mail or fax within 5 working days to the Bureau Safety Representative who:
  - Logs the information on the OSHA 300 Form
  - Sends a copy of the form within 2 working days to the Department’s Office of Occupational Safety and Health

For assistance call the Department Office of Occupational Safety and Health at (202) 482-4935
Incident Logs

- Maintained on a calendar year basis
- Must be maintained for 5 years at the establishment and be available for inspection by employees or their representatives
  - Union
  - Legal representation
  - Family members
## Incident Logs

### OSHA's Form 300

**Log of Work-Related Injuries and Illnesses**

You must record information about every work-related injury or illness that involves lost work time, restricted work activity, or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a licensed or certified health care professional. You must also record all injuries and illnesses that exceed one of the specific recording criteria listed in 29 CFR 1904.7 through 1904.10. Failure to record can lead to a penalty if you are found to be in a non-compliance to OSHA Form 300 or its equivalent form for each injury or illness recorded on this form. If you're not sure whether an event is recordable, call your local OSHA office.

<table>
<thead>
<tr>
<th>No.</th>
<th>Employee’s Name</th>
<th>Job Title (e.g., Welder)</th>
<th>Date of Injury or onset of illness (e.g., Aug 15)</th>
<th>Visits the work area or workplace (e.g., Leading dock work area) (G)</th>
<th>Describes injury or illness, parts of body affected, and adjustments made to the injury or illness (e.g., Second degree burn on right forearm from weather conditions)</th>
<th>Classify the case</th>
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**Page totals**

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

**Office of Occupational Safety and Health**

30
Summary posted at each establishment no later than February 1, and kept in place until March 1.
DOC Safety Data

- Slips & Falls: 23%
- Exertion: 7%
- Struck By: 1%
- Lacerated: 2%
- Misc.: 1%
- Contact With: 0%
- Exposure: 8%
- Caught On: 28%
- Traveling In: 30%

Office of Occupational Safety and Health
Section 3: Workers’ Compensation Program
The Federal Employees’ Compensation Act (FECA) is administered by the Office of Workers’ Compensation Programs (OWCP) of the U.S. Department of Labor (DOL).

It provides compensation benefits to civilian employees of the United States for disability due to personal injury sustained while in the performance of duty or to employment-related disease.
Federal Employees’ Compensation Act

- Provides benefits to dependents if a work-related injury or illness cause employee’s death
- OWCP claims are funded through agency charge backs
- OWCP adjudicates claims
- Individual case files are protected under the Privacy Act
- No one may require an employee to waive his/her right to claim compensation under the FECA
Workers’ Compensation Contractor

- Provides information about the Workers’ Compensation Program
- Assists injured workers and advises of their responsibilities and benefits
- Processes paperwork to OWCP
- Operates as a liaison between Department of Commerce and Department of Labor
- Provides technical advice to supervisors
Two Basic Types of Claims

- Traumatic Injury
  - An injury that occurs during one work shift

- Occupational Disease
  - A condition that develops over more than one work shift

Single Criterion: Length of time of exposure
**Preventive care is not authorized**
Traumatic Injury Claim

- An injury that occurs during one work shift
- CA-1
- CA-16 - issued by supervisor or OOSH
- COP eligibility if requirements met
- CA-7 for wage loss after COP period
Occupational Disease Claim

- A condition that developed over a period of time - more than one work shift

- CA-2

- No form CA-16 issued

- No COP entitlement

- CA-7 for wage loss at first date of LWOP
Requirements

- Federal Employee
- Timely Filing
- Fact of Injury
- Performance of Duty
- Causal Relationship
Federal Employee

Claimant must be a Federal or Civil Service Employee when the injury or illness occurred.
Timely Filing

Three-year limit for compensation
Facts of Injury

- Workplace event identified
- Diagnosed medical condition
In the Performance of Duty

- On Agency premises
  - Lunch and break times
  - When performing duties or engaging in an activity reasonably associated with employment

- Off Agency premises when performing official duty

- On travel status 24-hours/day coverage only if performing essential or incidental work activities
Not in the Performance of Duty

- On the way to/from work
- During lunch-off Agency premises
- Off premises while not performing official duties
- Statutory exclusions
  - Intoxication
  - Willful misconduct
  - Intent to harm self or others
Causal Relationship

- Medical evidence required to identify relationship between workplace event and diagnosed medical condition
- OPINIONS of employee, supervisor, or witnesses not considered
- Burden of proof on employee
Types of Causal Relationships

- Direct Causation - Injury or factors of employment result in condition claimed
- Aggravation - Preexisting condition worsened, either temporarily or permanently, by a work related injury
- Acceleration - A work related injury or disease may hasten the development of an underlying condition
- Precipitation - A latent condition that would not have manifested itself on this occasion but for employment
Medical Requirements

- History of Injury
- Diagnosis
- Statement which supports reported injury caused the employee’s condition
- Course of Treatment
- Test Results
- Prognosis
Benefits Slide 1 of 5

- Continuation of Pay
- Compensation
- Medical Treatment
- Rehabilitation/Long-Term Disability
- Schedule Award
- Death Benefits
Continuation of Pay (COP)

- Traumatic injuries only
- Not to exceed 45 calendar days
- File claim within 30 days of injury
- Supporting medical documentation
- Used consecutively or intermittently
- Portion of a day or whole days
- Time card code 67
- Must be used within 45 days of the date of injury
- Subject to usual deductions from pay, such as taxes, etc.
Controverting Continuation of Pay (COP):

- Agency may controvert (not pay) COP ONLY if one of nine reasons listed on Form CA-1 applies
- Indicate the controversion on the CA-1 and attach narrative statement and specific evidence substantiating controversion
- Advise employee of controversion
- *COP can be terminated if there is no prima facie medical evidence received within 10 days*
Benefits
Slide 4 of 5

- Compensation
  - Reimbursement for wage loss
    - 75% with dependents
    - 66 2/3% without dependents
  - No time limits with supportive medical evidence
  - LWOP from the Agency

- Medical Benefits
  - Choice of physician
  - Limited chiropractic coverage
  - Doctor bills - paid under fee schedule
  - Prescription reimbursement
  - Mileage to/from physician
  - Physician ordered equipment
Benefits

- Rehabilitation
  - Long-term disability rolls
  - Job training/job placement

- Schedule Award
  - Permanent loss/loss of use
  - Specified period of time

- Death Benefits
  - Work injury/exposure resulted in death
    - 50% paid to surviving spouse
    - 15% paid to each child
    - Total not to exceed 75% of base salary
Employee Responsibilities

- Establish elements of claims
- Report injury timely
- Provide all requested evidence
- Inform supervisor of progress toward recovery and when medically released to light duty
- Accept suitable offers of work within physical restrictions
Encourage safe work habits and conditions and enforce safety regulations
Advise employees on rights and responsibilities
Furnish appropriate forms and assist employee in completing forms
Complete supervisor’s section of forms timely
Keep in contact with employee if unable to work
Notify employee of need to submit medical evidence
Provide light duty and advise employee of obligation to return to suitable light duty
Challenging or Controverting Claims:
- Investigate circumstances and send report to CCSI
- Attach detailed statement describing circumstances behind the challenge
- Include specific evidence: Witness statements, accident investigations, timecards, etc.
- Pay COP (if applicable) pending OWCP decision
- The authority to determine any aspect of claim rests with OWCP.
Supervisor’s Responsibilities

- Containing OWCP Costs:
  - Controvert/Challenge Questionable Claims
  - OWCP accepts employee statement as factual unless agency provides refuting evidence
  - Agency does not have post adjudicative appeal rights
  - Include actual evidence rather than conjecture or opinion
  - Track Injured Employees’ Medical Status
  - Maintain constant contact with employee
  - Request frequent medical updates in writing from physician
Supervisor’s Responsibilities

Containing OWCP Costs

- Offer Light Duty
- Work with Office of Occupational Safety and Health and/or CCSI to provide an employee with an offer of light duty
- Offering light duty improves morale for both injured worker and remainder of workforce
- Each day employee remains out of work reduces likelihood he/she will ever return
- Cooperate with OWCP nurses, claims examiners, vocational rehabilitation specialists, and workers’ compensation specialists
Claim Forms Slide 1 of 2

- **CA-1** Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation
- **CA-2** Notice of Occupational Disease and Claim for Compensation
- **CA-7** Claim for Compensation
- **CA-16** Authorization for Examination and/or Treatment

Print forms from the following website:
http:\www.dol.gov/esa/regs/compliance/owcp/forms.htm

* CA-16 can only be issued by supervisors, OOSH, and CCSI.
Claim Forms

- CA-20  Attending Physician’s Report
- CA-915  Claimant Medical Reimbursement Form
- OWCP-957  Medical Travel Refund Request

Print forms from the following website:
http:\www.dol.gov/esa/regs/compliance/owcp/forms.htm
Section 4: Workers’ Compensation Contractor
Workers’ Compensation Contractor

- Provides information about the Workers’ Compensation Program
- Assists injured workers and advises of their responsibilities and benefits
- Processes paperwork to OWCP
- Operates as a liaison between Department of Commerce and Department of Labor
- Provides technical advice to supervisors
To file a new claim or for information regarding an existing claim contact:

CCSI, L.P.
1-800-743-2231
Fax: 1-888-467-1273
Section 5: Conclusion
Course Overview

- Lecture
- Provided basic information
- Connected knowledge and real life applications
Objectives

- Attendees should be able to:
  - Describe supervisor responsibilities for safety, health and workers’ compensation
  - Identify required forms and reports related to safety, health and workers’ compensation
  - Relate supervisory responsibilities to their workplace
Course Evaluation

Used to:
- Provide feedback to OOSH
- Set goals
- Improve course materials
- Identify supervisors’ needs

Your assistance is key to better course
Points of Contact

For Occupational Safety and Health Questions:

Fred Fanning, Camille Carraway, April Prather Nichols, Rosaline Hill

Location: Office of Occupational Safety and Health, Herbert C. Hoover Building, Room 5111, Washington, DC

Voice: 1-202-482-4935
Fax: 1-202-501-1860
E-Mail: oosh@doc.gov
Web Site: http://www.ohrm.os.doc.gov/Safety_and_Health/index.html
Points of Contact

For Workers’ Compensation Questions:

Kathy Mattingly, Adrienne Ross, and Fred Fanning-COTR

Location: Office of Occupational Safety and Health, Herbert C. Hoover Building, Room 5111, Washington, DC

Voice: 1-202-482-4935
Fax: 1-202-501-1860
E-Mail: oosh@doc.gov
Web Site: http://www.ohrm.os.doc.gov/Safety_and_Health/PROD01_001037.html
Points of Contact  

For the Department contractor for Workers’ Compensation Claims:

CCSI, L.P.
1-800-743-2231
Fax: 1-888-467-1273
Questions or Comments