



To enhance mission performance, TSA is committed to promoting a culture founded on its values of Integrity, Innovation and Team Spirit.

NOTE: Pursuant to Section 101 of the Aviation and Transportation Security Act (49 U.S.C. 114(n)), this directive and all related Handbooks, Attachments, and Appendices establish Transportation Security Administration (TSA) policy and supersedes Federal Aviation Administration (FAA) orders, policies, guidance, bulletins regarding the Workers' Compensation Program issued under the FAA personnel management system. This directive is TSA policy and must be applied accordingly.

1. **PURPOSE:** This directive provides TSA policy and procedures for the Workers' Compensation Program within TSA, which includes administration of limited duty. Further, this directive cancels and supersedes HCM 820-1, *Limited Duty*, dated January 06, 2009.
2. **SCOPE:** This directive applies to all TSA organizational elements and all TSA employees.
3. **AUTHORITIES:**
 - A. The Aviation and Transportation Security Act, Public Law 107-71 (ATSA)
 - B. Federal Employees' Compensation Act (FECA), 5 U.S.C. §§ 8101 *et seq*
 - C. 20 CFR Part 10
 - D. Injury Compensation for Federal Employees, Office of Workers' Compensation Programs (OWCP) publication CA-810
4. **DEFINITIONS:**
 - A. Continuation of Pay (COP): The continuation of an employee's regular pay for up to 45 calendar days of wage loss due to disability and/or medical treatment, after a traumatic injury.
 - B. Controversion: An agency's objection to paying COP for one of the reasons provided by regulation.
 - C. Department of Labor/Office of Workers' Compensation Program (DOL/OWCP): Administers four major disability compensation programs that provide wage replacement benefits, medical treatment, vocational rehabilitation, and other benefits to certain workers, including federal employees or their dependents, who experience a work-related injury or occupational disease.
 - D. Disability: For purposes of this directive, the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of injury. It may be partial or total.
 - E. Employee: For purposes of this directive, the term employee refers to all current and former TSA employees¹.

¹ It is also possible for other individuals to meet the definition of "employee" in 20CFR 10.5 and become eligible for FECA benefits.

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- F. Light Duty: Temporary adjustment to job functions that may be offered to employees who have temporary injuries or medical conditions that did not occur on the job, or when a CA-2 has been filed and is pending adjudication by DOL/OWCP.
- G. Limited Duty: Temporary adjustment or modification to job functions that may be offered to employees with medical restrictions for injuries or illnesses that occur on the job and are therefore considered work-related when a CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation* has been filed, or a CA-2, *Federal Employee's Notice of Occupational Disease and Claim for Compensation*, has been filed and approved by DOL/OWCP.
- H. Nurse Case Manager (NCM) Program: A program in which nurses provide medical case management for employees with work-related injuries and illnesses, while ensuring quality care, and providing a safe and productive return to work.
- I. Occupational Disease: A condition produced by the work environment over a period longer than one work day or shift. The condition may result from infection, repeated stress or strain, or repeated exposure to toxins, poisons, fumes or other continuing conditions of the work environment. The length of exposure, not the cause of the injury or the medical condition which results, determines whether an injury is traumatic or occupational. For instance, if an employee is exposed to toxic fumes for one day, the incident is considered a traumatic injury. If the employee is exposed to toxic fumes for two or more days, the incident is considered an occupational disease.
- J. Sensitive Personally Identifiable Information (PII): Personally identifiable information, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. Complete social security numbers (SSN), alien registration numbers (A-number), and biometric identifiers (such as fingerprint, voiceprint, or iris scan) are considered Sensitive PII even if they are not coupled with additional PII. Additional examples include any grouping of information that contains the individual's name or other unique identifier plus one or more of the following elements:
- (1) Driver's license number, passport number, or truncated SSN (such as last-4 digits);
 - (2) Date of birth (month, day, and year);
 - (3) Citizenship or immigration status;
 - (4) Financial information such as account numbers or Electronic Funds Transfer information;
 - (5) Medical information; and
 - (6) System authentication information such as mother's maiden name, account passwords, or personal identification numbers (PINs).
- K. Traumatic Injury: 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. The injury must also be caused by a specific event or incident, or series of events or incidents, within a single day or work shift. Traumatic injuries also include damage to or destruction of prosthetic devices or appliances, including eyeglasses, contact lenses, and hearing aids, if they were damaged incidental to a personal injury requiring medical services.

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- L. Workers' Compensation Coordinator (WCC): A person designated by a Federal Security Director (FSD), Assistant Administrator (AA), or Special Agent In-Charge (SAC) to attend to the duties and responsibilities of the Workers' Compensation Program (WCP).
- M. Workers' Compensation Program (WCP) Office: The TSA office within the Office of Human Capital (OHC), Employee Relations Division, responsible for the overall program management and administration of the TSA Workers' Compensation Program. This office provides technical advice, guidance, and program support to supervisors, managers, and WCCs regarding program requirements and compliance with FECA.

5. RESPONSIBILITIES:

- A. The Assistant Administrator for Human Capital is responsible for ensuring policy development, program implementation, interagency coordination with DOL, and the periodic evaluation of TSA's Workers' Compensation Program.
- B. The Chief Financial Officer is responsible for providing budget and accounting guidance to ensure proper planning and accounting for the cost of workers' compensation claims.
- C. The Office of Chief Counsel is responsible for providing legal advice to OHC, WCCs, and TSA managers regarding TSA's workers' compensation program.
- D. The Workers' Compensation Program (WCP) Office within OHC is responsible for:
 - (1) Developing and providing program reviews, advice, training, and information to TSA Human Resource Specialists, supervisors, management officials, and WCCs on the interpretation and application of workers' compensation policies, legislation, regulations, and processes;
 - (2) Planning, developing, and implementing programs and initiatives to control injury-related costs and increase work-force readiness to support TSA's mission;
 - (3) Managing and processing workers' compensation claims for TSA Headquarters employees;
 - (4) Ensuring that TSA is in compliance with FECA; and
 - (5) Serving as TSA's liaison on DOL/OWCP related issues.
- E. OHC Headquarters Workers' Compensation Specialists are responsible for managing the WCP within their regions, in accordance with departmental policies, regulations, and procedures, to meet the needs of injured employees promptly and efficiently, in order to ensure their rapid rehabilitative recovery and return to duty.
- F. Managers and Supervisors are responsible for:
 - (1) Ensuring that employees have the opportunity to receive immediate medical care when injured and adhere to the guidance set forth herein;

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- (2) Investigating traumatic injuries and/or illnesses and reporting all incidents to the NCM hotline and the respective WCC;
- (3) Working with the WCC to ensure that appropriate forms and medical documents are filed in a timely manner;
- (4) Forwarding all medical documents to the WCC;
- (5) Providing a safe work environment;
- (6) Following up on reports of injuries by employees;
- (7) Providing limited duty job assignments when applicable; and
- (8) Monitoring the employee's medical progress, in conjunction with the WCC, or designee, to determine return to work capability by obtaining periodic medical reports.

G. Workers' Compensation Coordinators (WCCs) are responsible for:

- (1) Managing workers' compensation claims at the local level. This includes creating and maintaining a workers' compensation file for every claim filed;
- (2) Maintaining access to workers' compensation systems, e.g., the CA-1 and CA-2 electronic filing system, the Agency Query System (AQS), WebOpus, and other TSA systems;
- (3) Monitoring the employee's case and coordinating the submission and tracking of all required DOL/OWCP forms, medical, agency, and employee documents; and reviewing all documents for accuracy and compliance with DOL/OWCP regulations and TSA procedures. Original medical documents must be sent to DOL/OWCP, while copies are maintained in the employee's workers' compensation file;
- (4) Entering initial claim form information into the CA-1 and CA-2 electronic filing system if the employee has not done so, and transmitting the claim to DOL/OWCP;
- (5) Replying to written DOL/OWCP inquiries in writing and in a timely manner;
- (6) Monitoring medical progression with the NCM in order to maintain up-to-date status on all on-the-job injury cases;
- (7) Coordinating Federal Employee Health Benefits (FEHB) transfers with the contract Human Resources (HR) service provider;
- (8) Coordinating SF-52 actions involving workers' compensation with the contract HR service provider;

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- (9) Ensuring that all Sensitive PII is maintained in a secure and controlled environment consistent with TSA policy and regulations, including the utilization of any web-based computer applications;
- (10) Reviewing injury packets for completeness and providing copies to injured employees;
- (11) Reviewing medical documentation received from employees, supervisors, or managers;
- (12) Conferring with managers on the availability of limited duty when necessary, and assisting with the limited duty job offer;
- (13) Monitoring and tracking all limited duty cases to case resolution, which includes maintaining limited duty and periodic roll rosters;
- (14) Tracking, managing, certifying, and controlling COP and Leave Without Pay (LWOP) requests while ensuring that supporting medical evidence substantiates such requests;
- (15) Conducting annual Workers' Compensation Training for supervisors and managers;
- (16) Handling all controverted workers' compensation cases and drafting challenges to claims;
- (17) Observing workers' compensation hearings and providing agency response, as appropriate;
- (18) Ensuring that all disability cases (total and partial) have current supporting medical evidence to substantiate an inability to perform usual and customary duties, as well as notifying the WCP when extended medical restrictions are identified; and

H. Nurse Case Managers (NCMs) are responsible for:

- (1) Medically managing claims from the initial injury notification through claims medical resolution;
- (2) Serving as a liaison between the employee and the treating physician;
- (3) Interpreting or clarifying medical restrictions as needed;
- (4) Assisting in resolving medical conflicts as needed; and
- (5) Reviewing limited duty job offers as appropriate.

NOTE: The Medical Programs Division within the Office of Law Enforcement/Federal Air Marshall Service (OLE/FAMS) is responsible for the FAMS NCM Program.

I. Employees are responsible for:

- (1) Immediately notifying their supervisor when injured on the job;
- (2) Initiating the claims filing process when injured;

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- (3) Adhering to all safety rules, regulations, and guidelines;
- (4) Notifying the supervisor on duty of any changes in work status;
- (5) Notifying the treating physician if limited duty is available;
- (6) Submitting medical reports and related documents from the attending physician or any referral physician to his/her supervisor and DOL/OWCP, to substantiate any claimed injury or requested adjustments to his/her workplace restrictions;
- (7) Submitting updated medical documentation after each medical appointment;
- (8) Submitting complete, accurate, and truthful information on all workers' compensation forms and documentation; and
- (9) Informing his or her supervisor when he/she has been released to perform full duties that are free of restrictions, by providing acceptable medical documentation clearing him/her to return to full duty.

NOTE: Employee Rights and Responsibilities are provided to employees when a claim is filed.

6. POLICY:

- A. The WCP shall be effectively managed so that all employees who are injured on the job or suffer from an occupational disease or illness caused by factors of employment will be appropriately counseled on benefits and entitlements under FECA.
- B. All employee compensation claims shall be processed expeditiously and accurately in accordance with applicable laws and regulations.
- C. Employees and former employees on the compensation rolls shall be offered suitable work, appropriate to their physical capabilities as outlined by their attending, or an DOL/OWCP directed physician, as soon as they are medically able to perform such work.
- D. TSA shall offer limited duty assignments to employees who have an approved DOL/OWCP claim consistent with the agency's operational need.
- E. Depending upon operational needs, space limitations, and staffing requirements, limited duty assignments shall be offered based on current employment status as a full-time or part-time employee; however, assignments may be offered for less than full-time hours if work within medical limitations is unavailable for the sum total of hours worked prior to injury.
- F. Limited duty assignments are temporary in nature, and are dependent on each individual's medical recovery progress. Further, limited duty assignments will include only duties that the employee is able to perform within his/her physical or medical limitations and may include various shift assignments in accordance with operational needs.

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- G. Limited duty assignments will receive priority over light duty assignments.
 - H. NCMs must provide a copy of applicable physical/medical restrictions to the supervisors or managers, for assistance in developing a limited duty assignment.
 - I. Managers and Supervisors may change or cancel limited duty assignments due to changing operational needs, space limitations, or staffing requirements, or because of changes to the employee's physical or medical limitations. The number and nature of limited duty assignments may fluctuate in response to changes in these areas. Any proposal to cancel or terminate a limited duty assignment must be shared with the respective OHC Workers' Compensation Specialist for concurrence. Any changes to limited duty assignments must be within the confines of documented physical or medical limitations and are subject to the availability of work as outlined herein.
 - J. An employee placed on a limited duty assignment may not return to full duty until he/she submits updated acceptable medical documentation clearing him or her to return to full duty.
 - K. If a limited duty assignment cannot be offered to the employee, management must notify the respective Area Director, Deputy Area Director, AA, FSD, SAC, or designee, in writing and provide justification for the determination. After receiving additional guidance from the respective management official, the immediate supervisor must notify the employee of the determination in writing, noting the reasons for the limited duty disapproval. For work-related illnesses or injuries where a limited duty assignment is not extended, the local WCC shall notify the WCP Office in writing.
 - L. Employees who decline limited duty assignments may be placed on LWOP while DOL/OWCP reviews the case and makes a decision on the individual's suitability for employment. If DOL/OWCP determines employee suitability for the limited duty position offered, and the employee still declines the position, adverse action procedures may be initiated, which may result in removal.
 - M. Generally, a covered employee will continue to receive Law Enforcement Availability Pay (LEAP) and credit toward special law enforcement retirement during periods of limited duty. Depending on the nature and duration of a limited duty assignment and the covered employee's ability to be available and/or to perform unscheduled law enforcement duties while on limited duty, an employee may lose the ability to be certified for LEAP. In the event that an employee is no longer medically qualified to serve in a covered law-enforcement position, the employee shall be notified of a movement to a non-covered position, if available, and consequently, he/she may lose LEAP and special law enforcement retirement coverage.
 - N. An eligible employee may invoke his/her entitlement to leave under the Family and Medical Leave Act (FMLA) for a qualifying work-related serious health condition.
7. **PROCEDURES:** Refer to the accompanying [TSA Handbook on *The Workers' Compensation Program*](#).

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8. EFFECTIVE DATE AND IMPLEMENTATION: This policy is effective immediately upon signature.

APPROVAL

Signed

July 2, 2009

Richard A. Whitford,
Assistant Administrator for Human Capital

Date

Distribution: Assistant Secretary, Deputy Assistant Secretary, Assistant Administrators, Area Directors, Office Directors, Federal Security Directors, Special Agents in Charge, Administrative Officers, and TSA Affiliated HR Offices.

Point-of-Contact: Office of Human Capital, Office of Workers' Compensation Program.