SECRETARY OF LABOR
WASHINGTON, D.C. 20210
OCT 15 2012

MEMORANDUM FOR THE HEADS OF EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES

FROM: HILDA L. SOLIS
Secretary of Labor

SUBJECT: The Presidential POWER Initiative: Protecting Our Workers and Ensuring Reemployment

The President, in establishing the Protecting Our Workers and Ensuring Reemployment (POWER) Initiative on July 19, 2010, has committed this Administration to improving workplace safety and the health of federal employees, while also reducing the personal pain and financial costs that often result from on-the-job accidents. The Department of Labor has worked in partnership with federal agencies to provide a safe work environment to our employees and to speed the delivery of benefits and return to work.

Each year, tens of thousands of federal employees file claims for workers' compensation benefits due to workplace injuries or illnesses. In FY2011, the first year of the POWER initiative, federal employees (excluding the U.S. Postal Service – (USPS)) filed more than 75,000 injury notices. Although the number of claims declined approximately five percent when compared to the baseline year of 2009, compensation for lost wages and medical benefits still represents a significant cost to American taxpayers. In Chargeback Year 2012, total costs were nearly $1.7 billion alone (excluding the USPS), representing a slight increase from the $1.6 billion for Chargeback Year 2009.

The government, as a whole, has achieved significant success in meeting or exceeding the POWER goals set forth in my September 21, 2010 memorandum introducing the initiative and setting specific targets. For each of the measurable goals, the government-wide (less the USPS) performance exceeded the targets set for FY2011. We are on pace to exceed all goals for FY2012.

While we can be proud of our performance under the POWER initiative, challenges remain to continue to improve workplace safety and to lessen injury severity and increase return to work rates. As a result, we are implementing changes to the POWER initiative for its final two years. Three of the 7 goals will be measured from a new baseline and we are creating a new goal.

The goals for timely submission of initial injury and illness claims and wage-loss claims will remain the same. Agencies are still expected to attain a 3 percent increase in timely filing each year of the initiative or meet the minimum filing percentage, whichever is greater. However, the new baseline against which this increase will be measured is made up of actual performance in the last two quarters of FY2011 and the first two quarters of FY2012. Agencies will not be tasked with achieving greater than 95 percent timeliness for these two goals.

For agencies subject to the return-to-work goal, they will still be expected to maintain a 2 percent increase over the prior year's performance or attain a minimum 85 percent return to work rate, whichever is greater. However, the baseline will be adjusted to the actual performance attained in FY2011. Additionally, agencies will not be asked to achieve a return to work rate over a maximum of 93 percent or 95 percent (as determined by the number of eligible cases for the agency).

Finally, we will be adding an 8th goal to the POWER initiative in order to monitor the progress of agencies in providing a means for electronic filing of illness and wage-loss claims, as mandated in regulations finalized on August 29, 2011. This will be a simple goal which measures whether or not agencies are providing electronic filing.

Agencies should review their operations in view of these new, more challenging performance targets. To help you begin that process, we have attached a chart that provides POWER's government–wide targets as well as each agency's baseline performance and minimum/maximum annual targets for each goal. A more comprehensive list of baseline performance and targets for all agencies will be available on the POWER webpage.

For those agencies that would like assistance in achieving these more ambitious performance goals, OSHA and OWCP personnel stand ready to assist you to that end. In addition, they will work with you and members of your staff throughout the initiative to evaluate your program's performance data, develop and adopt strategies to meet your individual targets, and monitor and report your progress.

As your agencies continue efforts to ensure the safety and security of the American people, both at home and abroad, we must rededicate our efforts to ensure the safety and health of federal employees who provide these critical services. We at the Department of Labor are inspired and energized by the President's commitment to protecting and preserving our valuable human resources. I look forward to working with each of you in achieving the initiative's goals.

Protecting our Workers and Ensuring Reemployment (POWER) Goals

- **Goal 1** - To reduce total injury and illness case rates by 4% per year below the FY2009 baseline if an agency's rate is at or above the national target or by 1% per year if an agency's rate is below the national target.

- **Goal 2** - To reduce lost time injury and illness case rates by 4% per year below the FY2009 baseline if an agency's rate is at or above the national target or by 1% per year if an agency's rate is below the national target.

- **Goal 3** - To analyze lost time injury and illness data. While all agencies are encouraged to do so, only those agencies with a lost time case rate above the federal government's overall rate are required to submit, as part of the annual report to OSHA, a summary of the measures taken to address the most frequent and severe cases.

- **Goal 4** - To increase the timely filing of workers' compensation notice of injury or illness forms (forms CA-1 and 2) by 3% per year above the baseline (comprised of actual performance for the last two quarters of FY2011 and the first two quarters of FY2012) or meet the minimum filing percentage for the year, whichever is greater. In FY2013, all agencies are required to achieve at least a 75% timely filing rate and in FY2014 the minimum threshold will rise to 80%. However, no agency's annual performance will need to exceed 95%.

- **Goal 5** - To increase the timely filing of wage-loss claims (forms CA-7) by 3% per year above the baseline (comprised of actual performance for the last two quarters of FY2011 and the first two quarters of FY2012) or meet minimum annual thresholds. In FY2013, all agencies are required to achieve at least a 68% timely filing rate and in FY2014 the minimum threshold will rise to 70%. However, no agency's annual performance will need to exceed 95%.

- **Goal 6** - To reduce lost production day rates (days lost due to workplace injury or illness per 100 FTE) by 1% per year below the FY2009 baseline or maintain a rate of 15 days or less.

- **Goal 7** - To increase return to work outcomes for those federal employees who sustain serious workplace injuries or illnesses. The 14 agencies subject to this goal[1] will be expected to improve 2% per year as measured against actual performance in FY2011 as a baseline or meet the minimum target[2], whichever is greater. Agencies will not be asked to perform above the maximum performance target[3].

- **Goal 8** – To ensure compliance with 20 CFR §§10.100, 10.101 and 10.102, which require all employers to submit notices of traumatic injury, occupational disease and wage loss compensation electronically wherever feasible. All employers that currently do not have such capability should create and implement such a method by December 31, 2012, and agency performance will be measured with a yes or no indicator.

---

[1] While all federal agencies are encouraged to improve their return-to-work percentages under the initiative, 14 agencies with the largest, statistically significant case volumes (an annual average of 50 or more new serious injury cases measured for the FY2011 baseline) are expected to improve their return-to-work outcomes

[2] The minimum target for FY2013 is 85%

[3] The ten agencies with the most cases eligible for return to work will have a maximum target of 95% and the four agencies with the fewest cases eligible for return to work will have a maximum target of 93%.

POWER Baselines and Targets
FY 13 and FY 14

Executive Branch	Baseline Performance *	FY 13 Targets	FY 14 Targets
All Government less USPS			
Total Case Rate	3.22	TBD[3]	TBD[3]
Lost Time Case Rate	1.48	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	85.19%	87.75%	90.38%
CA-7 Timeliness	73.48%	75.68%	77.95%
Lost Production Days	35.8	34.7	34.4
Return to Work Rate[1]	91.55%	93.38%	95.00%

Departments	Baseline Performance *	FY 13 Targets	FY 14 Targets
Department of Agriculture			
Total Case Rate	5.50	TBD[3]	TBD[3]
Lost Time Case Rate	1.85	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	69.03%	75.00%	80.00%
CA-7 Timeliness	73.52%	75.73%	78.00%
Lost Production Days	38.4	37.3	36.9
Return to Work Rate	91.81%	93.65%	95.00%
Department of Air Force			
Total Case Rate	2.73	TBD[3]	TBD[3]
Lost Time Case Rate	1.49	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	85.82%	88.39%	91.05%
CA-7 Timeliness	74.25%	76.47%	78.77%
Lost Production Days	24.8	24.1	23.8
Return to Work Rate	92.72%	94.58%	95.00%
Department of Army			
Total Case Rate	3.02	TBD[3]	TBD[3]
Lost Time Case Rate	1.56	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	90.88%	93.61%	95.00%
CA-7 Timeliness	74.44%	76.67%	78.97%
Lost Production Days	23.6	22.9	22.7
Return to Work Rate	92.88%	94.74%	95.00%
Department of Commerce			
Total Case Rate	2.36	TBD[3]	TBD[3]
Lost Time Case Rate	1.03	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	82.25%	84.72%	87.26%
CA-7 Timeliness	41.06%	68.00%	70.00%
Lost Production Days	24.1	23.4	23.2

	Baseline Performance *	FY 13 Targets	FY 14 Targets
Department of Defense			
Total Case Rate	2.76	TBD[3]	TBD[3]
Lost Time Case Rate	1.48	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	86.44%	89.03%	91.71%
CA-7 Timeliness	76.05%	78.33%	80.68%
Lost Production Days	26.5	25.7	25.5
Return to Work Rate[2]	95.76%	95.00%	95.00%
Department of Education			
Total Case Rate	1.00	1 or less[2]	1 or less[2]
Lost Time Case Rate	0.63	1 or less[2]	1 or less[2]
CA-1/CA-2 Timeliness	87.50%	90.13%	92.83%
CA-7 Timeliness	25.00%	68.00%	70.00%
Lost Production Days	7.7	15 or less	15 or less
Department of Energy			
Total Case Rate	1.66	TBD[3]	TBD[3]
Lost Time Case Rate	0.67	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	74.19%	76.42%	80.00%
CA-7 Timeliness	81.98%	84.44%	86.97%
Lost Production Days	17	16.5	16.3
Department of Health and Human Services			
Total Case Rate	1.43	TBD[3]	TBD[3]
Lost Time Case Rate	0.73	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	59.76%	75.00%	80.00%
CA-7 Timeliness	48.25%	68.00%	70.00%
Lost Production Days	15.3	15 or less	15 or less
Return to Work Rate	79.25%	85.00%	86.70%
Department of Homeland Security			
Total Case Rate	6.79	TBD[3]	TBD[3]
Lost Time Case Rate	2.48	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	88.53%	91.19%	93.92%
CA-7 Timeliness	73.49%	75.69%	77.97%
Lost Production Days	89.4	86.7	85.9
Return to Work Rate	91.32%	93.15%	95.00%
Department of Housing and Urban Development			
Total Case Rate	0.77	1 or less[4]	1 or less[4]
Lost Time Case Rate	0.41	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	62.03%	75.00%	80.00%
CA-7 Timeliness	66.23%	68.22%	70.27%
Lost Production Days	18.4	17.9	17.7

	Baseline Performance *	FY 13 Targets	FY 14 Targets
Department of Interior			
Total Case Rate	6.03	TBD[3]	TBD[3]
Lost Time Case Rate	2.08	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	88.60%	91.25%	93.99%
CA-7 Timeliness	50.90%	68.00%	70.00%
Lost Production Days	46.8	45.4	45.0
Return to Work Rate	87.70%	89.45%	91.24%
Department of Justice			
Total Case Rate	4.14	TBD[3]	TBD[3]
Lost Time Case Rate	2.35	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	83.27%	85.77%	88.34%
CA-7 Timeliness	63.12%	68.00%	70.00%
Lost Production Days	64.6	62.7	62.1
Return to Work Rate	89.30%	91.09%	92.91%
Department of Labor			
Total Case Rate	1.99	TBD[3]	TBD[3]
Lost Time Case Rate	0.87	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	98.75%	95.00%	95.00%
CA-7 Timeliness	90.70%	93.42%	95.00%
Lost Production Days	26.7	25.9	25.6
Return to Work Rate	93.90%	93.00%	93.00%
Department of Navy			
Total Case Rate	2.77	TBD[3]	TBD[3]
Lost Time Case Rate	1.44	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	86.48%	89.08%	91.75%
CA-7 Timeliness	78.10%	80.45%	82.86%
Lost Production Days	34.6	33.6	33.2
Return to Work Rate	90.37%	92.17%	94.02%
Department of State			
Total Case Rate	1.02	TBD[3]	TBD[3]
Lost Time Case Rate	0.52	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	69.06%	75.00%	80.00%
CA-7 Timeliness	39.71%	68.00%	70.00%
Lost Production Days	13.5	15 or less	15 or less
Department of Transportation			
Total Case Rate	1.64	TBD[3]	TBD[3]
Lost Time Case Rate	0.98	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	87.75%	90.38%	93.09%
CA-7 Timeliness	54.31%	68.00%	70.00%
Lost Production Days	35.8	34.7	34.4
Return to Work Rate	83.33%	85.00%	86.70%
Department of Treasury			
Total Case Rate	1.22	TBD[3]	TBD[3]
Lost Time Case Rate	0.73	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	92.35%	95.00%	95.00%
CA-7 Timeliness	69.84%	71.94%	74.09%
Lost Production Days	22.2	21.5	21.3
Return to Work Rate	92.68%	94.54%	95.00%

	Baseline Performance *	FY 13 Targets	FY 14 Targets
Department of Veterans Affairs			
Total Case Rate	3.70	TBD[3]	TBD[3]
Lost Time Case Rate	1.71	TBD[3]	TBD[3]
CA-1/CA-2 Timeliness	92.74%	95.00%	95.00%
CA-7 Timeliness	86.23%	88.82%	91.48%
Lost Production Days	42.6	41.3	40.9
Return to Work Rate	93.56%	95.00%	95.00%
Environmental Protection Agency			
Total Case Rate	0.62	1 or less[4]	1 or less[4]
Lost Time Case Rate	0.29	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	67.97%	75.00%	80.00%
CA-7 Timeliness	33.87%	68.00%	70.00%
Lost Production Days	7.8	15 or less	15 or less
General Services Administration			
Total Case Rate	1.06	TBD[3]	TBD[3]
Lost Time Case Rate	0.69	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	65.04%	75.00%	80.00%
CA-7 Timeliness	58.72%	68.00%	70.00%
Lost Production Days	22.2	21.5	21.3
National Aeronautics and Space Administration			
Total Case Rate	0.48	1 or less[4]	1 or less[4]
Lost Time Case Rate	0.17	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	82.69%	85.17%	87.73%
CA-7 Timeliness	73.17%	75.37%	77.63%
Lost Production Days	2.8	15 or less	15 or less
Social Security Administration			
Total Case Rate	1.27	TBD[3]	TBD[3]
Lost Time Case Rate	0.82	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	80.67%	83.09%	85.58%
CA-7 Timeliness	58.30%	68.00%	70.00%
Lost Production Days	23.4	22.7	22.5
Return to Work Rate	92.59%	93.00%	93.00%
Tennessee Valley Authority			
Total Case Rate	2.18	TBD[3]	TBD[3]
Lost Time Case Rate	0.2	1 or less[4]	1 or less[4]
CA-1/CA-2 Timeliness	100.00%	95.00%	95.00%
CA-7 Timeliness	55.27%	68.00%	70.00%
Lost Production Days	26.3	25.5	25.3

[1] The RTW rate for All Govt less USPS reflects the performance of the 14 agencies monitored under POWER Goal 7.

[2] The RTW Rate for DOD does not include the Departments of Army, Navy and Air Force, which are shown individually.

[3] Goal 1 and 2 target rates for FY 2013 and 2014 will be published annually.

[4] If agencies maintain a total or lost time case rate of one or less per year, no further reductions are required.

* The time period for calculation of Baseline performance varies between goals. Please see the POWER memo for an explanation.