DEPARTMENT OF THE ARMY
WASHINGTON DC 20310-0200

MAR 0 1 2007

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Reductions in Civilian Occupational Injuries and Illnesses and Workers' Compensation Program Costs

1. Our Army is serving a Nation at war. We are in the process of re-examining and challenging our most basic institutional assumptions, organizational structures, paradigms, policies, and procedures to better serve our Nation. Our individual and organizational approach to our duties and tasks must reflect the seriousness and sense of urgency characteristic of an Army at war. Our Soldiers and our Nation deserve nothing less.

2. A fundamental tenet of a relevant and ready Army is a safe and productive work place. Nothing is more important. If we do this well, everything else will fall into place. If we fail ... nothing else we do can make up for that failure. The issue before each one of us has more to do with leadership than it does with safety. Every Soldier, civilian and contractor must know that the leadership of the Army is committed to achieving the safest workplace possible. Not because it boosts productivity - though it does; not because it saves money - though it does; but because it is the right thing to do in human terms. Safety management supports our national security mission in the most fundamental way. If we aren't working safely, we open ourselves up to a host of problems - problems that endanger lives, trigger significant delays, and undermine confidence in the Army.

3. Secretary Harvey has stated that the well-being of Army employees is a high priority, and that the Army will provide safe and healthful workplaces and drive accident rates down. The Secretary receives monthly briefings on Army civilian accident reduction performance. Although the Army is making incremental reductions in civilian accidents, he believes we can make significantly greater reductions in our accident and lost workday rates and reductions in the costs for the workers compensation program. In addition, President Bush recently extended the Safety, Health, and Return-to-Employment (SHARE) Initiative for Federal Executive Branch agencies through fiscal year 2009. SHARE establishes four goals that focus attention on critical areas of safety, health, and injury case management program:

- reduce total case rates for injuries and illnesses by at least 3% per year;
- reduce case rates for lost time injuries and illnesses by at least 3% per year;
- increase the timely filing of injury and illness notices by at least 5% per year; and
- reduce the rates of lost production days due to injuries and illnesses by at least 1% per year.

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4. The Headquarters, Department of the Army is working several civilian occupational safety and health initiatives – including improved occupational injury and illness data collection, injury and illness trend analysis and implementation of corrective actions, implementation of industry best practices through the Voluntary Protection Programs, and establishing a Lean Six Sigma project to reduce lost productivity due to accidents. Secretary Harvey has directed that Commanders and Directors at Army installations and activities take the following actions (further detailed at enclosure) to better manage workplace safety and occupational health and workers' compensation costs.

a. Communicate that accidents are an unacceptable impediment to Army readiness and employee wellbeing and morale.

b. Establish and chair a Federal Employees' Compensation Act Working Group in accordance with requirements from DoD 1400.25M, Subchapter 810.

c. Ensure that all injuries are immediately reported to the Injury Compensation Program Administrator (ICPA) using the Electronic Data Interchange (EDI) system.

d. Ensure that upon the occurrence of an occupational injury or illness, the supervisor of the employee involved in the incident will ensure hazards contributing to the incident are abated and that, as appropriate, hazard analyses, employee safety training, and standing operating procedures are updated.

5. Employee safety and occupational health is non-negotiable. We call on you to provide the leadership and oversight - and to challenge your management and employees - to achieve world-class safety performance. We call on you to ensure your Commanders and Directors are responsible, and will be held accountable, for a safe working environment and promoting the return to work of injured employees.

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(Installations and Environment)

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(Manpower and Reserve Affairs)

Enclosure

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Reducing Civilian Occupational Injuries and Illnesses and Workers' Compensation Program Costs

Roles and Responsibilities for Commanders and Directors of Army Installations and Activities

1. Communicate that accidents are an unacceptable impediment to Army readiness and employee wellbeing and morale. Establish a goal of safe and healthful workplaces, free of occupational injuries and illnesses, and monitor performance towards this goal. Ensure management, employees, and supervisors are aware of their rights and responsibilities under the safety and occupational health and the workers' compensation programs. Ensure the workforce is aware of and complies with their roles and responsibilities in reducing civilian occupational injuries and illnesses and workers' compensation program costs as outlined in Tab A. Stress individual responsibility and accountability for safety and occupational health by all employees and at all levels of management: that the Army is responsible for providing the infrastructure – safe facilities and equipment, training, personal protective equipment, and safe work procedures – required for employees to get their job done safely – and employees are responsible for complying with safety and occupational health requirements and procedures and for reporting unsafe or unhealthful conditions and practices to their supervisor for correction.

2. Establish and chair a Federal Employees Compensation Act (FECA) Working Group as mandated by DoD 1400.25-M, Subchapter 810. FECA Working Groups will be established by the end of 2Q FY07: the template at Tab B will be used as a guide to customize the FECA Working Group charter to fit the installation/activity's requirements. The FECA Working Group will develop and monitor actions to improve the activity's safety and occupational health program. The FECA Working Group will review each of the installation/activity's occupational injuries and illnesses, ensure the thoroughness of accident investigation and reporting, ensure implementation of appropriate corrective measures, and review installation/activity vacancies for possible restructuring of positions for possible placement of injured workers, especially long term compensation recipients. The FECA Working Group also will analyze FECA costs, trends, and plans and develop cost containment initiatives. Headquarters, Department of the Army (HQDA) is establishing a Safety and Occupational Health-FECA Oversight Group to oversee reduction of civilian occupational injuries and illnesses and associated lost production days and to identify trends and problem areas. DoD 1400.25-M and this enclosure describe the key roles of Army installation level (and for OCONUS - Army Garrison or Area level) Federal Employee Compensation Act (FECA) working groups in helping reduce preventable accidents and returning injured employees to work. Commanders at all levels will, at the minimum, track their FECA data elements prescribed in paragraph 3.d of Tab A and report their data elements quarterly through their command channels to their Army Headquarters Human Resource and Safety and Occupational Health Offices. Army Headquarters commanders will, as deemed appropriate, both reward and hold subordinate commanders accountable for achieving these goals.

3. Ensure that all injuries are immediately reported to the Injury Compensation Program Administrator (ICPA) using the Electronic Data Interchange (EDI) system. Implement a system for safety and occupational health staff to receive civilian occupational injury and illness data and analyze for corrective actions and trends. Working in conjunction with the activity's safety and occupational health staff, as necessary, ICPAs will: review workers' compensation claims and support supervisors in taking actions necessary to either support or controvert the claim; assist managers in returning employees to duty as soon as medically reasonably; review,

End

evaluate, and recommend light-duty assignments; and make maximum use of the Department of Defense Re-Employment Pipeline Program.

4. Ensure that upon the occurrence of an occupational injury or illness, the supervisor of the employee involved in the incident will ensure hazards contributing to the incident are abated and that, as appropriate, hazard analyses, standing operating procedures, and employee safety training is updated.

Reducing Civilian Occupational Injuries and Illnesses and Workers' Compensation Program Costs

Roles and Responsibilities

1. Employees –

a. Safety and occupational health is a responsibility of each and every employee. Employees will comply with safety and occupational health requirements and procedures and will report unsafe or unhealthful conditions and practices to their supervisor for correction.

b. Notify the supervisor immediately upon being injured, and report any illness/disease they believe is related to work.

c. Obtain, complete and file appropriate claims as soon as possible after an injury.

d. Keep supervisor informed of medical status related to claim, including restrictions or other recommendations.

e. Cooperate with accident/illness investigations and return to work programs using modified duty assignments.

2. Managers, and supervisors at all levels —

a. Thoroughly understand the workplace hazards associated with the particular activity in their purview and the safety best practices necessary to mitigate the potential for an accident.

b. Investigate circumstances of all reported accidents and provide the Commander a written report of findings and solutions for all occupational illnesses and lost-time injuries.

c. Institute preventive and corrective measures identified through inspections, review of injury statistics, or during accident investigations.

d. Support case management by maintaining up-to-date status on each injured employee until he or she is returned to full duty. Support Safety and Human Resource professionals in hazard abatement, accident investigation, and return-to-work issues.

e. Use modified duty to return injured employees to work as early as possible, in accordance with DOD Directive 1400.25 and DOD 1400.25-M.

f. Ensure that injured employees understand their rights and responsibilities under FECA and that claims and supporting documents are completed and submitted in a timely manner, using the automated reporting system (Electronic Data Interchange) where available.

3. Commanders and Directors —

a. Provide safe and healthful workplaces and conditions of employment, assuring that all facilities and operations comply with safety and occupational health standards.

Tab A

b. Establish safety and occupational health goals and objectives based on leading indicators (evaluations, inspections, training, etc.) and lagging indicators (occupational injuries and illnesses, lost workdays, property damage, etc.).

c. Establish an injury control plan, which includes policies and procedures related to use of the military treatment facility for early injury care and clinical case management and use of modified duty assignments to facilitate return to work, within the bounds defined by the Federal Employees' Compensation Act (FECA).

d. Establish metrics for success, with goals appropriate for the installation's Office of Workers' Compensation Program (OWCP) claim experience. Metrics of interest include—

(1) Total case (claim) rate (total FECA cases, divided by civilian population, times 100).

(2) Lost-time case (claim) rate (number of lost-time cases, divided by civilian population, times 100).

(3) Number of new claims filed.

(4) Number of timely filed claims (number of claims filed with OWCP within ten working days after receipt of notice).

(5) Lost production day rate (number of Continuation of Pay days plus wage-loss compensation days paid by OWCP in the same quarter, divided by civilian population, times 100).

(6) Number of long-term cases (a metric mandated by the Government Performance and Results Act).

(7) Number of days of Leave Without Pay (LWOP) due to occupational injuries and illnesses.

e. Establish and run a local FECA Working Group, as outlined in the attached Working Group charter template.

f. Establish a system to investigate all occupational illnesses and lost-time injuries to discover systemic deficiencies that contributed to the condition.

g. Establish a system of accountability down the chain of command for safe work procedures, use of personal protective equipment, and correction of unsafe work areas, using safety criteria in performance appraisals as one mechanism to establish accountability.

h. Ensure that installation vacancies are reviewed for possible restructuring of positions for placement of injured workers, especially long term compensation recipients.

4. Safety and Occupational Health Offices —

a. Establish and manage a safety and occupational health program and initiatives to improve workplace safety and health and reduce occupational injuries and illnesses.

b. Ensure required safety and occupational health inspections and training are conducted by

individuals qualified in safety and occupational health hazard recognition and control.

c. Ensure all accidents resulting in occupational injury or illnesses or property damage are investigated and reported.

d. Reviews installation accident data to identify problem areas.

e. Provide quarterly safety and occupational health performance reports to Commander/Director.

f. Participate in the FECA Working Group.

g. Increase employee safety awareness by disseminating accident and hazard information to employees and employee representatives.

5. Chiefs, Occupational Medicine —

a. Provide access to prompt clinical care for the evaluation and offer of treatment for employees with work-related injury or illness.

b. Participate in the FECA Working Group.

c. Provide medical expertise in case review and accommodation issues.

d. Occupational health personnel should participate in safety and occupational health inspections and training.

6. Injury Compensation Program Administers (ICPA) —

a. Establish a system of administrative claim management that ensures—

(1) Prompt filing of claims.

(2) Regular reviews of open claims.

(3) Effective communication with the servicing OWCP office, including utilizing the assistance of the DoD liaison and OWCP.

(4) Use of the Electronic Data Interchange for automated claim processing when and where this is available.

b. Provide claim process guidance to employees and supervisors.

c. Collaborate with the DoD liaison to conduct in scheduling regular case review meetings with a frequency appropriate for the active caseload.

d. Participate in the FECA Working Group.

e. In consultation with the CPAC Chief, construct job offer and mail to injured worker. ICPA will follow up on acceptance or declination of job offer and update the FECA Working Group on the status of all return-to-work efforts, such as number of job offers made, status, dates of

expected return, etc.

7. FECA Working Group —

a. Review injury and illness statistics to identify problem areas in need of corrective or preventive interventions.

b. Provide guidance to the Commander on policy and process issues that might impact installation injury control.

c. Establish and monitor progress related to performance goals.

d. Provide progress reports and recommendations to the Commander.

FECA Working Group Charter Template

1. Name of group: Federal Employees Compensation Act (FECA) Working Group

2. Date to be established:

3. Date to be terminated: on-going and permanent. As required by DoD1400.25-M, SC810.3.4.6 the FECA Working Group meets periodically (usually quarterly) to analyze FECA costs, trends, plans, etc., and to develop cost-containment initiatives. FECA Working Groups shall consist of management, safety, personnel, medical, and investigative service staffs. FECA Working Groups are mandatory.

4. Mission or Purpose: Mission of the FECA Working Group is to provide Command oversight and direction in reducing the cost of the installation/activity FECA program. The functions of the Group are to:
   a. reduce the occurrence of civilian job-related occupational injuries and illnesses by identifying trends and managing risks; and
   b. assist in return to duty efforts for civilians affected by job-related injuries and illnesses.

5. The FECA Working Group will be chaired by the installation commander.

6. Composition: The FECA Working Group will be composed of the following individuals:
   a. The installation commander;
   b. Commanders of tenant organizations, if any;
   c. The Civilian Personnel Advisory Center (CPAC) Chief;
   d. The Injury Compensation Program Administrator (ICPA);
   e. Installation Safety Officer, and Safety Officer of any tenant organizations;
   f. Physician representing the Military Treatment Facility;
   g. An attorney from the installation Office of the Staff Judge Advocate;
   h. Three representatives of management to be appointed by the installation commander;
   i. Other members as may be deemed necessary by the installation Commander;
   j. Any first-line supervisor who had an accident or illness will attend the FECA Group meeting on a one-time basis to discuss the incident.

7. Operation:
   a. The FECA Working Group will meet at least quarterly.
   b. Installation commander will appoint one member to serve as recording Secretary to keep minutes and follow up to ensure decisions of the Group are carried out.
   c. Each occupational accident or illness that has occurred since the previous meeting will be addressed, to include addressing the reason it occurred, how it could have

Tab B

been prevented, and measures now taken to stop a similar incident. The first-line supervisor of the incident will make this presentation.

d. The ICPA will present an annual (fiscal year) running total of the cost and number of injuries.
e. The ICPA will present information on return-to-work efforts and open to discussion possible placements for workers who are out on either Continuation of Pay (COP) or long-term rolls, taking care to protect the privacy of the individual (workers may be referred to as Employee A, Employee B, etc.). ICPA should describe the skills, medical limitations, and any other restrictions of the worker and solicit ideas and offers of light duty or modified positions for <u>every</u> employee under the age of 60 out on COP or on long-term compensation. The goal is to find some useful work for every employee and make a written job offer to the employee, with a copy to the appropriate claims examiner at the Department of Labor.

8. Administration:

a. The ICPA will arrange meeting place, time, logistical support, etc. and notify all participants, including first-line supervisor of the cases to be discussed pursuant to 7.c.
b. The FECA Working Group will be briefed on the status of all return-to-work efforts, such as number of job offers made, status, dates of expected return, etc.