



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

April 18, 2023

## PERSONNEL BULLETIN NO. 23-01

### **SUBJECT: Workers' Compensation Return to Work Policy (Limited/Light Duty, Alternative Work Assignments, and Modified Permanent Job Offers)**

1. **Purpose.** This Personnel Bulletin (PB) sets forth the Department of the Interior's (the Department or Interior) policy for returning injured workers to productive duty as soon as medically possible. This policy provides an overview of the rights and responsibilities of Interior employees, who are subject to the Federal Employees' Compensation Act (FECA), as well as the role of the Department's management in the process. This PB supersedes PB 09-02, Workers' Compensation Return to Work Program, dated April 29, 2009.
2. **Authorities.**
  - A. Title 5 of the United States Code (U.S.C.), Chapter 81
  - B. Part 10 of Title 20 Code of Federal Regulations (CFR)
  - C. Part 353 of Title 5 CFR
  - D. U.S. Office of Personnel Management (OPM) Employees Guide to Career Transition, Section 4, dated March 2017
  - E. Division of Federal Employees' Compensation Procedure Manual
  - F. OPM CSRS and FERS Handbook for Personnel and Payroll Offices, Chapter 102, dated October 2013
  - G. PB 21-03 Processing Requests for Reasonable Accommodation for Individuals with Disabilities, dated October 24, 2022
3. **Background.** The Department recognizes the value of and is committed to returning injured workers to suitable employment with their original employing Bureau/Office, with another Bureau/Office or agency, or with a company in the private sector if the return to employment with the Federal government is not feasible. Early return to work is proven to promote faster healing and to be effective in reducing workers' compensation program costs by retaining experienced, trained, and skilled employees. This policy is designed to facilitate the injured worker's earliest possible return to work in accordance with the FECA.
4. **Coverage.** This policy applies to all Interior employees and supersedes any other Departmental or Bureau/Office policies or procedures that conflict with this policy.
5. **Responsibilities.** The Return to Work process requires the cooperation of several responsible parties within the agency. Each party plays a distinct role in promoting the

benefits of this program and ensuring the successful return of injured workers to productive duty as soon as medically possible.

**A. Deputy Assistant Secretary for Human Capital and Diversity is responsible for:**

- (1) Ensuring Interior-wide compliance with FECA statutory and regulatory requirements.
- (2) Ensuring the development of policies, goals, and criteria for the Department's Workers' Compensation Program are implemented.
- (3) Ensuring employees are free to exercise their rights and responsibilities without fear of restraint, interference, coercion, discrimination, or reprisal in connection with filing an Office of Workers' Compensation Programs (OWCP) claim.

**B. The Departmental Workers' Compensation Program Manager is responsible for:**

- (1) Informing leadership of regulations, congressional mandates, presidential initiatives, and FECA regulatory goals and deadlines.
- (2) Providing program oversight to ensure the Department's return to work policy complies with applicable laws and regulations.
- (3) Developing and providing training to Bureau/Office personnel, as needed, on the return to work program and procedures.
- (4) Analyzing and reporting Bureau/Office results to Interior leadership.
- (5) Ensuring that the return to work program and processes remain relevant and seeking ways to improve the program and processes as needed.

**C. Bureau/Office Workers Compensation Program Managers are responsible for:**

- (1) Obtaining Bureau/Office leadership support for return to work efforts including limited/light duty and alternative work assignments for injured workers when appropriate.
- (2) Discussing cost avoidance and cost savings regarding limited/light duty, alternative work assignments, and return to work efforts with supervisors/managers.
- (3) Developing relationships with stakeholders including, but not limited to, OWCP staff (e.g., claims examiners, nurses, vocational rehabilitation specialists), and Bureau/Office Divisions/Staff (e.g., Human Resources, Payroll, Equal Employment Opportunity Managers/Staff, Employee/Labor Relations, physicians, and managers).
- (4) Training and providing guidance to the Bureaus' Workers' Compensation

Specialists on the various aspects of the workers' compensation program and the workers' compensation return to work policy.

**D. Managers and Supervisors (or their designees) are responsible for:**

- (1) Supporting the return to work program and following FECA regulations.
- (2) Protecting the rights of employees by ensuring freedom to file claims without fear of restraint, interference, coercion, discrimination, or reprisal.
- (3) Maintaining regular contact with the injured worker throughout the life of the claim.
- (4) Assisting in workers' compensation cost reduction efforts by ensuring every effort is made to locate and offer limited/light duty when appropriate throughout the life of a claim.
- (5) Assisting in workers' compensation cost reduction efforts by ensuring every effort is made to locate and offer permanent, alternative work assignments for injured workers, when appropriate.
- (6) Responding to correspondence from OWCP in a timely manner with regards to return to work efforts when requested by the Bureau/Office Workers' Compensation Specialist.
- (7) Coordinating with the Workers' Compensation Specialist to prepare a limited/light duty job offer when the medical documentation indicates the injured worker can return to work in any capacity during any periods of disability.
- (8) Consulting and coordinating with the Bureau/Office Reasonable Accommodation Coordinator when appropriate.

**E. Bureau/Office Workers' Compensation Specialist is responsible for:**

- (1) Providing technical advice and assistance to Bureau/Office management, supervisors, safety managers and injured workers.
- (2) Reviewing cases and maintaining contact with the injured worker, supervisor, and OWCP claims examiner throughout the life of a claim to carry out administrative actions regarding return to work efforts as required.
- (3) Ensuring job offers under FECA are in writing, signed by the supervisor and/or human resources, and submitted to OWCP.
- (4) Notifying OWCP when the supervisor receives medical documentation indicating the injured worker can return to employment.

- (5) Engaging supervisor/management in a timely manner when OWCP requests a return to work action, or there is receipt of medical documentation indicating the injured worker's limited/light duty work capacity.
- (6) Completing and filing a Form CA-3 (Report of Work Status), in the Employee's Compensation Operations & Management Portal (ECOMP) when the injured worker returns to work after any period of disability. This is needed for notification purposes to report return to work status and prevent overpayment of compensation.
- (7) Working with other Bureau/Office stakeholders such as Human Resources, Employee/Labor Relations, Union Representatives, and the injured worker during return to work efforts.
- (8) Coordinating with the supervisor to prepare a temporary job offer when the medical documentation indicates the injured worker can return to work in any capacity during any periods of disability.

**F. Injured Workers are responsible for:**

- (1) Following OWCP regulations and Interior policies for requesting limited/light duty and return to work efforts.
- (2) Informing their immediate supervisor of their work status and providing medical documentation for work restrictions or reduced hours.
- (3) Seeking return to work opportunities as soon as their medical condition permits. This includes reduced hours or limited/light duty work.
- (4) Complying promptly with requests from the supervisor, Bureau/Office Workers' Compensation Specialist, and/or OWCP for status updates or medical reports.
- (5) Returning to work per the supervisor request as soon as the medical documentation states they are able to return in some capacity. This includes a part-time, limited/light duty work assignment.
- (6) Accepting suitable limited/light duty or an alternative work assignment offered by the supervisor within the medical restrictions.

**6. Definitions.**

- A. Alternative Work Assignment (AWA).** A mutual work agreement between a supervisor and an injured worker that is different from the Bureau's/Office's regular work schedule or assignments within a Bureau/Office, based on medical limitations.
- B. Chargeback.** The process by which the Department of Labor's (DOL) Office of Workers' Compensation Programs (OWCP) bills employing agencies for their injured workers' compensation and medical costs.

- C. Continuation of Pay (COP). The continuance of the injured worker's regular pay for a period not to exceed 45 calendar days of disability. COP is applicable for traumatic injuries only and is paid by the employing agency.
- D. Employees' Compensation Operations & Management Portal (ECOMP). A secure electronic system managed by OWCP, requiring federal agencies to file OWCP Forms CA-1, CA-2, CA-3, CA-6, CA-7, and CA-7a. It is also used by the Workers' Compensation Agency Reviewer for case management to aid in the return to work functions.
- E. Gainful Employment. Work activity is gainful if it is work usually done for pay or profit, whether or not profit is realized.
- F. Injured Worker. An employee or former employee whose work-related injury or illness claim has been accepted by OWCP for workers' compensation benefits (interchangeable with injured employee).
- G. Limited/Light Duty. Temporary modified duties to accommodate an injured worker's medical restrictions.
- H. Loss of Wage Earning Capacity. Provides that an injured worker will not be penalized for returning to a lower-paying job because of a disabling condition.
- I. Office of Workers' Compensation Programs (OWCP). An agency of the DOL that administers four major disability compensation programs providing wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to certain workers, or their dependents, who experience a work-related injury, occupational disease, or death.
- J. Periodic Roll. A case in which an injured worker's disability exceeded 90 days and the worker's medical information does not: 1) indicate their ability to return to work in the immediate future; 2) identify the employee's ability to work; or 3) indicate the employee has a permanent disability associated with the accepted work injury.
- K. Return to Work. The term 'return to work' is not limited to returning the employee to work at their normal worksite or position. It may also include returning the employee to work at other locations, other positions, or modifications to the original position.
- L. Suitable Job. A position whereby the duties and responsibilities of the job are compatible with the injured worker's medical limitations and qualifications.
- M. Traumatic Injury. A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain within a single day or work shift.
- N. Vocational Rehabilitation. A service provided by OWCP to assist disabled employees in returning to gainful employment consistent with their physical, emotional, and educational abilities.

7. **Policy.** The Department makes every effort to return injured employees to work who sustain a work-related injury or illness pursuant to FECA. The opportunity for return to work may occur during the life of the workers' compensation claim, which includes: 1) the continuation of pay (COP) period; 2) periods of disability while employed by the Bureau/Office; or 3) after removal from employment.
8. **Return to Work During Continuation of Pay.** Supervisors/managers are required to offer limited/light duty when feasible during the COP period.

Temporary limited/light duty assignments should be provided equitably and at the discretion of management based on the availability of work, an injured worker's medical limitations, the injured worker's safety, as well as that of their co-workers and the general public.

The injured employee must provide medical documentation indicating the ability to return to work and/or medical restrictions.

The supervisor, Bureau/Office Workers' Compensation Specialist, or designee should prepare a temporary job offer if the medical documentation indicates the injured worker may return to work.

Job offers under FECA are only for accepted OWCP claims. If a claim is denied by OWCP, the temporary job offers under FECA should be rescinded. However, limited/light duty work under reasonable accommodation regulations and laws may still be considered (consult and coordinate with the Bureau's Reasonable Accommodation Coordinator).

**Note:** It is rare to offer a permanent alternative position during this stage.

9. **Return to Work During Periods of Disability While Employed by Bureau/Offices.** Bureaus/Offices are obligated under FECA to return an injured worker to work per the physician's medical restrictions when possible. Once an injured worker has an OWCP accepted claim, disability can occur throughout the life of the claim.

The injured worker must provide medical documentation indicating medical restrictions to identify potential limited/light duty to their supervisor or Bureau/Office Workers' Compensation Specialist.

OWCP may also contact the agency for a job offer based on medical documentation in the injured worker's case file.

The supervisor, Bureau/Office Workers' Compensation Specialist or designee should prepare a limited/light or modified duty job offer if the medical documentation indicates the injured worker may return to work.

When medical documentation indicates the impairment is permanent, the supervisor or manager should work with their servicing Human Resources Office (SHRO) to may make an alternative work assignment into a permanent job offer. Alternative positions are

permanent in nature and can be created or downgraded funded positions under FECA. If a job offer is downgraded, or hours are reduced, OWCP will make up the difference in compensation based on the injured worker's pay rate.

When medical documentation indicates that impairment is permanent, the Workers' Compensation Specialist should request vocational rehabilitation from OWCP if the Bureau/Office cannot accommodate restrictions with a permanent, or alternative position for which the injured worker is qualified.

- 10. Return to Work after Removal from Employment.** Bureaus/Offices are obligated to return injured workers to work from the periodic roll based on the availability of work, medical limitations, safety, qualifications, and managerial discretion. OWCP or the Bureau/Office Worker' Compensation Specialist can begin the process based on medical documentation.

The Bureau/Office Workers' Compensation Specialist should request a second opinion examination from OWCP when an injured worker lacks medical documentation for return to work options, unless OWCP has deemed the injured worker permanently disabled.

OWCP will notify the Bureau/Office Workers' Compensation Specialist in ECOMP when an injured worker is capable of returning to work. The Bureau/Office Workers' Compensation Specialist should share the correspondence with the supervisor or designee.

The Bureau/Office Workers' Compensation Specialist should review the chargeback report, staying abreast of injured employees on the periodic roll. They should also review the medical documentation periodically and annually in ECOMP, focusing on work capacity and gainful employment opportunities. OWCP should be informed of any findings of potential return to work candidates.

- 11. Reemployment Guidelines for Bureaus.** The position should be compatible with the injured worker's medical conditions and restrictions, including any nonwork-related medical conditions which either pre-existed the injury at work, or developed since it occurred.

The injured worker is required to be minimally qualified for the position and meet any other job-related requirements. The SHRO will make this determination prior to extending a job offer.

A temporary position may be offered only to an injured worker who held a temporary position when injured, and the temporary job reasonable represent the claimant's wage earning capacity. If such a job is offered, it must be at least 90 days in duration.

A career seasonal position may be offered only to an injured worker who held a career seasonal position when injured.

An injured worker who is capable of working two or more hours a day should be offered a position providing at least that much work.

A. Loss of Wage Earning Capacity. Applies when the injured employee is partially disabled and returns to a lower paying position under the Federal Employees' Compensation Act. The worker receives compensation based on the difference between the pre-injury and post-injury wages.

(1) A position that fairly and reasonably represents an employee's ability to earn wages may form the basis of a loss of wage-earning capacity determination if that position is a classified position to which the injured employee has been formally reassigned.

(a) The position must conform to the established physical limitations of the injured employee; the employer must have a written position description outlining the duties and physical requirements; and the position must correlate to the type of appointment held by the injured employee at the time of injury. If these circumstances are present, a determination may be made that the position constitutes gainful employment.

B. Civil Service Retention Rights. In the event the injured employee resumes employment with the Federal Government, the entire time during which the employee was receiving compensation shall be credited to the employee for the purposes of within-grade step increases, retention purposes, and other rights and benefits based upon length of service. Refer to your Bureau's SHRO for further guidance.

Periods during which a reemployed injured worker receives compensation from OWCP may be creditable to the injured worker for the purposes of determining rights and benefits based upon length of service, including eligibility for retirement. Employees should check with their SHRO for guidance. An injured worker who has applied for, and been approved for, federal retirement benefits is no longer considered an employee and any reemployment is covered by OPM rules and regulations for reemployed annuitants. This is true even if the injured worker never actually received a federal retirement annuity.

C. Restoration and Reemployment Rights. Refer to your Bureau's SHRO for guidance.

a) ***Fully recovered within one year***. Must be immediately and unconditionally restored by the agency to their former position or to an equivalent one. Expected to return to work immediately on cessation of compensation.

b) ***Fully recovered after one year***. The agency has the right to separate the employee. Entitled to priority consideration, agencywide, for restoration to the position they left or an equivalent one provided the employee applies for reappointment within 30 days of the cessation of compensation.

- c) ***Physically disqualified.*** An individual who is physically disqualified for the former position or equivalent because of a compensable injury is entitled to be placed in another position for which they are qualified that will provide the employee with the same status and pay, or the nearest approximation thereof, consistent with the circumstances in the case. This right applies for a period of one year from the date eligibility for compensation begins. After one year, the individual is entitled to the rights afforded individuals who fully or partially recover, as applicable.
- d) ***Partially recovered.*** Bureaus/Offices must make every effort to restore in the local commuting area, according to the circumstances in each case, individuals who have partially recovered from a compensable injury and who are able to return to limited duty. A partially recovered employee is expected to seek reemployment as soon as they are able.

**12. Job Offer for Return to Work.** The FECA specifies what a job offer must include when offering temporary, alternative, or permanent positions to accommodate medical conditions resulting from an on-the-job injury. Job offers must be made in writing and should contain the following:

- Description of the duties to be performed;
- The specific physical requirements of the position and any special demands of the position or unusual working conditions;
- The organizational and geographical location of the job;
- The date on which the job will be available;
- The salary, grade level, and step of the position; and
- The date by which a response to the job offer is required.

A verbal offer may be made to the injured worker but must be followed with a written offer within 48 hours. The injured worker must respond to the job offer in writing by indicating acceptance or declination, which is then submitted to OWCP.

Suitability of a job offer will be determined by OWCP in writing to the injured worker and the Bureau/Office Workers' Compensation Specialist.

An injured worker cannot return to work prior to the start date on the medical documentation.

**13. Relocation.** In general, Bureaus/Offices should make reasonable efforts to place the employee in their former position, or an equivalent position, within the local commuting area. However, if a job is offered in a location other than the one where the employee currently resides, payment may be received, or reimbursed, for moving expenses from OWCP.

**14. Acceptance of Job Offer.** If the job offer is accepted by the injured worker, the supervisor or designee will immediately submit the injured worker's written acceptance and confirmation to the Bureau/Office Workers' Compensation Specialist. The Bureau/Office

Workers' Compensation Specialist will notify the OWCP Claims Examiner of the employee's intent to return to work and the date the employee is scheduled to return. The Bureau/Office Workers' Compensation Specialist should complete the CA-3 Report of Work Status in ECOMP.

- 15. Refusal of Job Offer.** If the offer is declined by the injured worker, the supervisor or designee will submit the job offer and the declination statement to the Bureau/Office Workers' Compensation Specialist for submission to OWCP. No response by the due date is considered a declination.

The Bureau/Office Workers' Compensation Specialist will work with the OWCP Claims Examiner, who will render a decision as to the suitability of the job offered (there may be some negotiations and OWCP-directed medical appointments).

Supervisors should continue with the job offer process until OWCP makes a final official determination on suitability.

- 16. Medical Documentation.** The injured worker's supervisor and Bureau/Office Workers' Compensation Specialist should review the employee's medical documentation to determine what restrictions are needed due to the work-related injury to identify a suitable position. The medical documentation can be entered on a Form CA-17 (Duty Status Report); physician generated document, or work status report, CA-20 (Attending Physician's Report); or OWCP-5 (Work Capacity Evaluation).

The Bureau/Office Workers' Compensation Specialist or supervisor should contact the injured worker at reasonable intervals (but not more than once a week) to request periodic medical or duty status reports regarding the employee's ability to return to work.

Completion of Form CA-17, or other documentation, should stipulate the work restrictions such as weight limits, length of time specific work is allowed, and any reduction in hours that are not customary.

- 17. Dual Benefits.** The FECA prohibits payment of injury compensation and certain other Federal benefits at the same time. An injured worker or beneficiary entitled to more than one benefit may be required to make an election. An employee may not receive OPM Retirement and OWCP benefits concurrently.

**18. Other Options.**

- A. Reassignment:** Reassignment to a different position may be necessary when the Bureau/Office is unable to modify or assign limited/light duty to the date of injury position.
- B. Vocational Rehabilitation:** A tool used by OWCP to assist with gainful employment. An employee with extended disability may be considered for rehabilitation services if requested by the attending physician, the employee, or agency personnel.

- C. **Telework:** If the position can be approved for telework, this option can be explored as a viable accommodation. In practice, telework is a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (e.g., home or telework center).
- D. **Job Sharing:** When a Bureau/Office must staff a position on a full-time basis, job sharing is an option. Job sharing is a form of part-time employment in which one position is filled with two or more part-time employees.
- E. **Alternative Work Schedule:** Supervisors may approve or modify individual employee work schedules based on their assessment of the needs of the office in order to accommodate, whenever reasonable and practicable.
19. **Reporting of Return to Work Efforts.** The Department's Workers' Compensation Specialist will hold quarterly meetings with the Bureau/Office program managers to discuss OWCP cases on the short and long-term disability management tracking list including return to work cases.  
Bureaus/Offices will take necessary actions to ensure the cases stay on management's radar and report back to the Departmental Workers' Compensation Program Manager on the steps taken to carry out the return to work process.
20. **Additional Return to Work Guidance.** Additional guidance regarding applicable procedural guidance and requirements is provided in the Department's Workers' Compensation Program Return to Work Handbook. The Return to Work Handbook supplements the policy in this PB and is issued under the authority of the Director, Office of Human Capital.
21. **Labor-Management Obligations.** Bureaus/Offices are reminded to fulfill their labor-management obligations, as appropriate, in implementing the requirements set forth in this PB.
22. **Inquiries.** Any Department employee or employee representative seeking further information concerning this policy may contact their Bureau/Office Workers' Compensation Program Manager and/or SHRO. Bureau/Office Workers' Compensation Program Managers and SHROs may direct questions concerning this policy to the Department's Office of Human Capital.

Attachment

---

Jennifer A. Ackerman  
Director, Office of Human Capital  
Deputy Chief Human Capital Officer