Job Offers:
Managing Return to Work Programs

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Course Objectives:

- To identify proper procedures for assembling an appropriate job offer.
- To assure that participants understand that the job offer process is a collaborative process between the employing agency and OWCP.
- To dispel myths surrounding the job offer process (on all sides).
- To remind the employing agency that the job offer process is their opportunity to affect the outcome.
- To identify the differences between Job Offers and Job Assignments

Strategies for Achieving the Goals of a Job Offer Program:

- Work with all stakeholders involved in the job offer process.
- Provide training for supervisors, managers, and all employees.
- Work with OWCP to return employees with work capacity to the job site.
- Return to work ultimately serves the best interests of the employee an the employing agency.

Before Making a Job Offer:

Work Capacity is the trigger:

Without work capacity, no job offer can be made.

(Seems straightforward enough, but surprisingly not)

Update case files:

Make certain that the employing agency has the most Up to date information available.

(Prevents time squandered on issues that are in file but not known to the players)

Before Making a Job Offer:

Ensure that employees' OPF is up to date.

(Make certain that all education, training, and experience is reflected accurately)

Where applicable, review vocational rehabilitation records.

(The employee may be returned outside of his previous area of expertise)

Before Making a Job Offer:

- Assess the needs of the employing agency, present and future.
- (Forecast difficult to fill positions, new programs and mandates)
- Review requests for authorization to hire.
- (The best candidate may be an injured employee already familiar with your agency and its needs)
- Garner the support of top management.
- (This will make selling the program much easier)

Before Making a Job Offer:

Provide Training as Appropriate

- Train supervisors in OWCP job offer processes, employee rights and responsibilities.
- Make certain that the injured employee is kept informed of the process at each step.

Visit Your OWCP District Office

- Establishing a relationship with OWCP, other than by telephone where possible, will go a long way to helping with difficulties as they arise over time.
- Provides a clearer idea of the expectations that OWCP's claims examiners have.
- Provides the opportunity to review all relevant documents during the process of putting together a successful job offer.

Before Making a Job Offer:

- **Implement and maintain a Light Duty Program**.
  - Identify and codify productive duty for injured employees with temporary physical limitations.
  - Identify “unfunded mandates” in need of human resource support.

Include the Workers’ Compensation Program Manager in the Agency’s Position Management Program.

Keep in Mind:

- **Remember that the injury involves a fellow Federal employee.**

- **The focus must be on the employee, regardless of past performance, employee relations issues, or any other factors.**

Remember….

- **While the injured worker has rights to coverage under FECA, the act also outlines employee responsibilities.**

- **An injury does not confer special rights or exemptions upon the employee in regard to conduct and performance issues.**

Having said that...

Managing the Employee's Return to Work:

Ongoing Issues:

- Keep the claimant informed.
- Keep OWCP informed of the returned employee's status.
- Have the OWCP keep you apprised of any new developments.
- Do not let an employee's return to work paralyze parallel processes.

On Return to Work:

- Re-orient the employee to the workplace.
- (Some things about the workplace are bound to have changed, especially in cases of long term disability).
- Orient the employee to the new worksite.
- (Especially if the employee is being returned to a new job or new department)
- Make all expectations clear to all personnel involved.
- (Don’t expect too much too soon)

Next...

- Get ready for your phone to ring, your pager to buzz, and your calendar to get full….

The Job Offer Process:

Job Offers Versus Light Duty Assignments

Elements of a Suitable Job Offer

Ten Potholes on the Road to a Suitable Job Offer

Hi-Lighting the Differences:

- **Light Duty Assignments**
- **1. The claimant is medically recovering.**
- **2. Assignment is temporary and non-competitive.**

- **Job Offers**
- **1. The claimant has reached maximum medical improvement or is otherwise medically stable.**
- **2. Offer is a regular classified position for which a job description has been prepared. If the employee was permanent at the time of injury, the job itself must be permanent.**

Hi-Lighting the Differences:

- **3. The assignment must conform to the claimant's physical and emotional restrictions, whether they are work-related or not.**
- **4. Employer sends written copy of assignment to OWCP.**

- **3. The job offer must conform to the claimant's physical and emotional restrictions, whether they are work-related or not.**
- **4. Employer sends written copy of job offer to OWCP.**

Hi-Lighting the Differences:

- **5. OWCP should advise employer whether the assignment is appropriate or not, with copy to claimant.**

- **5. OWCP advises claimant that offer is suitable and gives the claimant thirty days to accept the job or explain why the job offer is being refused.**

Hi-Lighting the Differences:

- **6. If claimant refuses an appropriate assignment, OWCP advises claimant that he is not cooperating with vocational rehabilitation and gives the claimant 30 days to accept the assignment or explain why it is being refused. OWCP advises claimant that if he does not cooperate, compensation will be reduced to reflect a presumed no loss in wage earning capacity.**

- **6. If claimant refuses the job offer and does not provide evidence that it is unsuitable, OWCP gives the claimant 15 days to accept the offered job or face loss of entitlement to monetary compensation.**

Hi-Lighting the Differences:

- **7. If claimant continues to refuse assignment without a good reason, OWCP stops compensation, assuming that vocational rehabilitation would have resulted in no loss of wage earning capacity.**

- **7. If claimant continues to refuse job offer beyond the above-mentioned 15 days, compensation is terminated under 5 USC 8106 (c) (2).**

Hi-Lighting the Differences:

- **8. OWCP cannot base a loss of wage earning capacity on an assignment.**

- **8. OWCP can base a loss of wage earning capacity determination on a suitable job if the claimant has worked in the job for 60 days or longer.**

Five Elements of a Suitable Job Offer

- **1. A description of the duties to be performed.**
- **2. The specific physical requirements of the position and any special demands of workload of unusual working conditions.**
- **3. The salary of the job being offered, as well as organizational and geographical location of the job.**

Five Elements of a Suitable Job Offer

- **4. Date on which the job will be available and the pay rate information for the offered job.**

- **5. Date by which a response to the offered job is required.**

Ten Potholes in the Road to a Suitable Job Offer

- **1. The offered job is beyond the person's restrictions.**
- **2. The claimant is offered a job to which he cannot travel due to the residuals of his injury.**
- **3. Although the stated physical requirements are within the employee's capabilities, the claimant could obviously not do the tasks in the job description without going beyond his or her capabilities.**

Ten Potholes in the Road to a Suitable Job Offer (continued)

- **4. A job classified as temporary is offered to an employee whose date of injury job was classified as permanent.**

- **5. A job which will terminate in less than 90 days is offered to an employee whose date of injury position was temporary.**

- **6. A job is offered to an employee the physical requirements of which are obviously less than his or her actual capabilities.**

Ten Potholes in the Road to a Suitable Job Offer (continued again)

- **7. A job is offered to the claimant which does not take into account *non work-related* medical problems that have arisen since the injury.**

- **8. The claimant is no longer on the agency's rolls, has moved out of the area, and a medical condition either of the claimant or of the claimant's family contraindicates return to the area of residence at the time of injury.**

- **9. The claimant is no longer on the agency's rolls, and will lose health insurance by accepting the job.**

Ten Potholes on the Road to a Suitable Job Offer (continued again again)

- **And Number 10:**

- **10. The claimant already has a job which represents his wage-earning capacity, that is, what he could reasonably be expected to earn within his commuting area.**

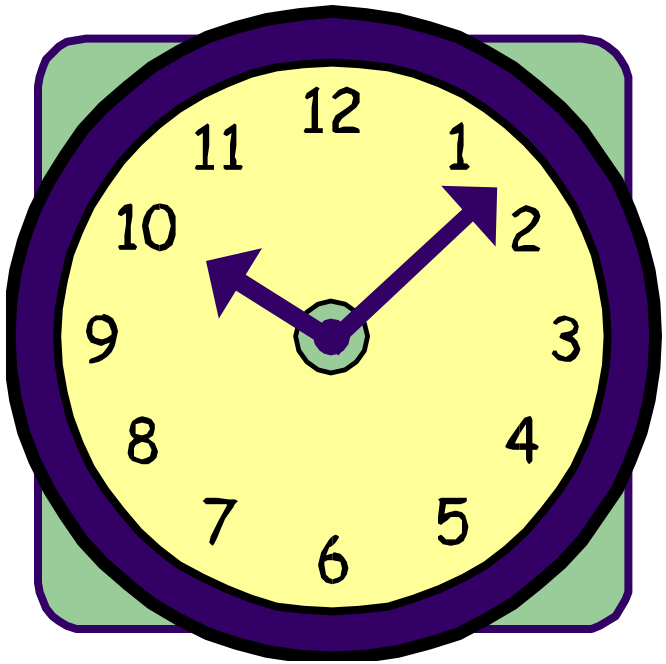
The Right Tool for the Right Job

- **Make certain that job offers are made where appropriate, and light duty assignments where they are appropriate:**

- **They are not the same.**

Timelines:

Tracking the process for the Agency……



Step by Step Timeline: Light Duty Assignments

- 1. Identify Work Capacity.
- 2. Identify Temporary Assignment.
- 3. OWCP reviews assignment to determine appropriateness.
- If NO: start over (re-engineer)
- If YES: Make Offer
- 4. Claimant has 30 days to accept or refute with evidence or face reduction or termination of monetary compensation.

Step by Step Timeline: Job Offers

- 1. Identify Work Capacity.
- 2. Identify Appropriate Offer (permanent or temporary).
- 3. OWCP reviews assignment for suitability.
- If NO: start over (re-engineer, secop, etc.)
- If YES: next step.
- 4. Claimant has 30 days to accept or refute with evidence or face termination of monetary compensation.
- If refuted with no evidence, benefits may be terminated.
- If refuted with inadequate evidence, 15 day notice to be issued.
- If refuted with adequate evidence, new information to be reviewed.

QUESTIONS??????????