



Vocational rehabilitation

The purpose of the OWCP vocational rehabilitation program is to assist disabled employees who are covered under the Federal Employees' Compensation Act (FECA) to minimize their disabilities and return to gainful employment.

Vocational rehabilitation is controlled completely by the Office of Workers' Compensation. OWCP may, at its discretion, provide vocational rehabilitation services to injured carriers.¹ When OWCP decides to implement vocational rehabilitation, it generally refers the case to a nurse or rehabilitation specialist, who may be employed by a contracted agency.

OWCP's referral to vocational rehabilitation usually happens if a claimant has stable, well-defined work limitations that allow eight hours of work per day and has not been rated for loss of wage-earning capacity. The nurses or rehabilitation specialists do not evaluate medical evidence; OWCP claims staff performs this function.

Once a claimant is referred, a rehabilitation plan is developed by OWCP. That rehabilitation plan may include medical rehabilitation, guidance and counseling, vocational testing and work evaluations, vocational training, placement with a new employer and follow-up service.

The OWCP vocational rehabilitation programs may use many of the tests, evaluations and restorative services, but the job skill requirements under this category are less well defined. The goal in most cases is to maximize potential job options rather than prepare for a specific job. However, sometimes the goal is to document the claimant's job potential, and/or measure ability to improve physical tolerance, productivity and work behavior. The specialist's goal is to identify jobs which can be successfully obtained by the injured worker using present skills and education, or with on-the-job training or short training programs, and which significantly reduce the loss of wage-earning capacity.

While receiving OWCP vocational rehabilitation services, employees generally get the same benefits as any other employee drawing compensation for total disability. Necessary medical services related to the accepted condition are paid by OWCP. Health benefits and life insurance premiums are continued, with the employee's portion deducted from compensation payments. Compensation is paid at the rate of total disability. However, claimants may receive an additional \$200 per month while receiving vocational rehabilitation services.²

Following vocational rehabilitation services, employees generally continue receiving the same benefits, except that wage-loss compensation benefits are reduced. The FECA³ provides that if a disability is partial, compensation is paid based on the difference between monthly pay and monthly wage-earning capacity. A disability is partial when an employee is unable to do their date-of-injury job but is capable of doing other work. OWCP will determine the loss of wage-earning capacity by applying the Shadrick Formula (*see August 2001 column*) to a fair and reasonable determination of wage-earning capacity.

Normally, if an employee is placed in new employment for more than 60 days, the actual wages of the new employment will be deemed to fairly and reasonably represent the employee's wage-earning capacity. However, if not placed in new employment, OWCP may determine wage-earning capacity based on a constructed position not actually held.

If the new job or constructed position pays less than the letter carrier position, there will be continuing compensation payments from OWCP. In these cases, OWCP will continue to pay health benefits and life insurance premiums and subtract the employee's portion of the premiums from the compensation checks. If that compensation payment has been reduced to the extent that it does not cover the full cost of the employee's portion of the premiums, OWCP will bill the claimant for the difference on a quarterly basis. If wage-loss compensation benefits are discontinued, and the claimant has been administratively separated⁴ from the USPS, the entitlement to federal health benefits and life insurance will end.

Failure to participate in OWCP's rehabilitation efforts can result in the application of sanctions, which could result in the suspension or reduction of compensation until the claimant cooperates.⁵

Section 546.142 of the ELM requires management to make every effort toward assigning the employee to limited duty. Branch representatives should continue to investigate and file needed grievances when limited duty is withheld or withdrawn from injured letter carriers.⁶ ✉

1. Authorized by 5 U.S.C. 8104 (<http://www.dol.gov/esa/owcp/dfec/regs/statutes/8104.htm>).

2. 5 USC 8111.

3. 5 USC 8106(a).

4. ELM 545.92.

5. 5 USC 8113.b.

6. See the *NALC Guide to NRP* (<http://nalc.org/depart/owcp/PDF/Guide%20to%20NRP.pdf>).