



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Thursday, March 28, 2013

MEMORANDUM FOR: Chief Human Capital Officers

FROM: John Berry, Director

Subject: Post-Combat Case Coordinator for Qualified Civilian Employees

The National Defense Authorization Act (NDAA) for FY 2012, Pub. L. 112-81 (Dec. 31, 2011), includes a new requirement for each Federal agency to assign a point of contact for employees who incur injury, disability, or illness while performing civilian duties in a war-risk hazard assignment. Responsibilities for the Post-Combat Case Coordinator (PCCC) position are codified in section 7906 of title 5, U.S. Code.

The PCCC was established to help civilian employees returning from service in a war-risk hazard assignment. Some may exhibit symptoms of medical and/or behavioral health conditions that impair their ability to seek help. Others may not be aware that programs exist to help them. Recognizing the importance of their hazardous assignments, Congress established a structured program to ensure that all qualified injured or ill civilian employees receive benefits to which they are entitled.

To help you implement this new responsibility, the Office of Personnel Management (OPM) is circulating the attached guidance to all Chief Human Capital Officers. OPM recognizes that some agencies already provide the required assistance to eligible employees. Those agencies may use the guidelines to review existing procedures to ensure that they comply with the statutory criteria. Agencies that must establish a single PCCC or, if appropriate, multiple staff in this role, should use the guidelines to develop the position's responsibilities.

If you have any questions about this position and the scope of its responsibilities, please contact Wen Fu at 202-606-0004 or Wenqiong.Fu@opm.gov.

Thank you for your support of this important new role that recognizes the contributions of our civilian employees in hazardous assignments.

Guidelines: Post-Combat Case Coordinator

Agency Responsibility

The head of each Federal agency shall assign a point of contact to be called the "Post-Combat Case Coordinator" for employees who suffer "an injury or disability incurred, or an illness contracted, while in the performance of such employee's duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual."

This requirement was established by section 1106 of the National Defense Authorization Act(NDAA) for Fiscal Year 2012, Pub. L. 112-81 (Dec. 31, 2011), and codified in section 7906 of title 5, U.S. Code.

The position of Post-Combat Case Coordinator was established because of potential challenges facing civilian employees who return from serving in troubled areas such as combat zones and who sustain injuries due to a war-risk hazard or due to an encounter with a hostile force. While some civilian employees face difficulties caused by their physical injuries, others may exhibit symptoms of medical and/or behavioral health conditions that impair their ability to seek help. Some may not be aware that programs exist to help them. Recognizing the importance of their war-risk hazardous assignments, Congress has required the establishment of a structured program for all qualified injured or ill civilian employees to assist them in receiving benefits to which they are entitled.

Definitions

Qualified employee. An employee who suffers an injury or disability incurred, or an illness contracted, while in the performance of his/her duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

The following terms have the same meaning as those used in section 8101 of title 5, U.S. Code, for workers' compensation:

Agency

Injury

War-risk hazard

Hostile force or individual

Post-Combat Case Coordinator Responsibilities

§ Serve as main point of contact for qualified employees who seek administrative guidance or assistance related to benefits available under chapter 81 of title 5, U.S. Code (Compensation For Work Injuries) and chapter 89 of title 5 (Federal Employees Health Benefits Program/FEHBP) (hereafter referenced as chapters 81 and 89).

§ Help qualified employees collect documentation or other supporting evidence to file claims under chapter 81 or 89. Documentation may include some or all of the following: pre-assignment health assessments; incidence report(s); and medical surveillance reports.

Assist qualified employees in connection with receipt of prescribed medical care and coordinate benefits to which they are entitled under chapter 81 or 89.

Assist qualified employees in resolving problems they may encounter in receiving benefits under chapter 81 or 89.

Ensure that qualified employees are properly screened and receive appropriate treatment for post-traumatic stress disorder or other similar disorder stemming from combat trauma: or for suicidal thoughts or behaviors or homicidal thoughts or behaviors.

Duration of Services

The Post-Combat Case Coordinator (PCCC) shall provide services to qualified employees until one of the following events occurs:

The employee accepts or declines a reasonable offer of employment in a position in his/her current agency for which he/she is qualified. A reasonable offer is one not lower than two grades or pay levels below the employee's grade (or pay level) prior to the occurrence or onset of the injury, disability or illness and that is within the employee's commuting area; or

The employee gives written notice, as required by the employing agency, that the services of the PCCC are no longer desired or necessary.

Post-Combat Case Coordinator Qualifications

OPM recommends that the agency's appointed PCCC work directly with the agency's OWCP Coordinator (or Injury Compensation Specialist). This individual should possess a strong background in and/or substantive knowledge of the OWCP claims process. OPM would also recommend that, whenever possible, the OWCP Coordinator serve as the agency's PCCC. If the OWCP Coordinator/Injury Compensation Specialist cannot serve in this capacity, agencies should ensure that the designated PCCC regularly communicates with the OWCP coordinator. Agencies that have a large number of staff employees assigned to war-risk hazard areas should consider training multiple employees to perform the duties of a PCCC. This will ensure that equal and adequate attention and competency is provided to all qualified employees, particularly in situations when there are multiple casualties.

The following areas of Federal human resources law and the appointing agency's internal resources should be considered in implementing the PCCC function:

Federal Employees' Compensation Act (FECA) - Many of the individuals who are qualified employees within the meaning of section 7906 will have incurred injuries requiring workers' compensation claims with the U.S. Department of Labor's Office of Workers' Compensation (OWCP). When filing such claims, the burden of proof is on claimants to establish the essential elements of entitlement, so there is special concern that qualified employees receive all necessary assistance to establish their claims. A timely determination from OWCP will expedite treatment and services for qualified employees.

Employee Assistance Program (EAP) – Each agency should identify how its own EAP personnel and/or contracted providers can offer appropriate assistance to qualified employees within the meaning of section 7906.

Work/Life Program - Each agency should identify how its own Work/Life personnel and/or contracted providers can offer appropriate assistance to qualified employees within the meaning of section 7906.

Inter-Agency Cooperation with the U.S. Department of State

Many agencies already utilize services provided by the U.S. Department of State through the International Cooperative Administrative Support Services (ICASS) system for civilian employees deploying to and returning from overseas assignments. For any other agencies that do not currently use ICASS, we recommend contacting the U.S. Department of State for information and advice on how to address the medical and mental health needs of affected employees. The Office of Medical Services (OMS)/State has professional medical staff and a Deployment Stress Management Program that currently conducts Post Traumatic Stress Disorder screening and assessments pre- and post-deployment for eligible United States Government employees who have been on overseas assignments under Chief of Mission authority.

Coordination with the U.S. Department of Labor

The Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 et seq., administered by the Department of Labor's Office of Workers' Compensation Programs, provides comprehensive workers' compensation coverage for deployed employees in areas where armed conflict may take place. Claims arising in war zones are handled by a special unit of claims examiners in the Division of Federal Employees' Compensation who have been trained to handle these cases.

If a PCCC has questions on the process of initiating a claim with OWCP and/or how he or she may best assist an employee with submitting the medical and factual evidence required, please contact DOL's Technical Assistance Branch at 202-692-0040.

Some helpful information on related subject matter can be found using the following links:

Department of Labor: Division of Federal Employees' Compensation (DFEC) Regarding

The Federal Employees Compensation Act and Deployed Employees:

<http://www.dol.gov/owcp/dfec/DeployedEmployees.htm>

OWCP Division of Federal Employees' Compensation homepage:

<http://www.dol.gov/owcp/dfec/index.htm>

Department of State – Deployment Stress Management Program

<http://www.state.gov/m/med/dsmp/index.htm>

For additional information about this memorandum, please contact OPM's Wen Fu, Program Analyst, at 202-606-0004 or Wenqiong.Fu@opm.gov.