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	OPI: Office of Procurement and Property Management	

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1. PURPOSE

This directive sets forth the Department of Agriculture's (USDA) policy for returning injured workers (IWs) to suitable work following an on-the-job injury or illness. The USDA Workers' Compensation (WC) Return to Work (RTW) Program is a Department-wide mitigation strategy to facilitate the corporate responsibility of returning these employees to suitable work within their employing Agency or in another USDA Agency that is able to offer placement opportunities. It standardizes the RTW approach across USDA Mission Areas, Agencies and Staff Offices. The RTW Program encompasses both temporary light duty assignments and permanent position changes or accommodations. An effective USDA Return-to-Work program sustains organizational productivity across USDA as it:

- a. Reduces lost work time;
- b. Reduces Department of Labor, Office of Workers' Compensation Program (DOL/OWCP) chargeback costs to agencies; and
- c. Provides employees injured in the course of performing official duties the dignity of performing appropriate work when determined able to do so by the attending physician. Such work could be in either the employing agency or another USDA Agency or staff office.

2. COVERAGE

The provisions of this directive cover all employees (bargaining and non-bargaining), former employees and certain volunteers and collaborators on Federal appointments who become/became injured in the course of performing work on behalf of USDA.

3. BACKGROUND

The DOL/OWCP allows employee compensation for lost wages and medical expenses resulting from workplace injuries. Most employees return to work after the injury and often within one year of being injured. A goal of the WC Program is to have employees return to work as soon as they are "medically able." It is critical for USDA management officials and Human Resources Directors to work together to provide placement opportunities that would not otherwise be readily available for placement of employees.

In addition, the President's implementation of the Protecting Our Workers' and Ensuring Reemployment (POWER) Initiative directs Federal agencies to establish goals and track performance in eight major workers' compensation areas:

- a. Lowering total injury and illness case rates;
- b. Lowering lost-time injury and illness rates;
- c. Analyzing lost time injury and illness data;
- d. Increasing the timely filing of workers' compensation claims;
- e. Increasing the timely filing of wage-loss claims;
- f. Reducing lost production day rates;

- g. Speeding an employee's return to work in cases of serious injury or illness; and
- h. Ensuring compliance with the regulatory requirement to establish a method for electronic submission of Forms CA-1, CA-2, and CA-7.

The USDA RTW Program will facilitate the process of re-employing employees and former employees who are participating in the Workers' Compensation Program and cannot perform the full scope of their official duties due to an accepted work-related injury. Employees may be re-employed to their former position with accommodation or another appropriate position in USDA as allowed by law and in accordance with medical restrictions issued by a confirmed treating physician.

4. REFERENCES

This directive must be used in conjunction with the authorities listed below, and with applicable collective bargaining agreements:

- a. 5 U.S.C. Chapter 81 (Sections 8101-8152), Compensation for Work Injuries;
- b. 20 CFR parts 1 and 10, Federal Employees' Compensation Act (FECA);
- c. Division of Federal Employees' Compensation (DFEC) Procedure Manual Claims (FECA Part 2) Chapter 2-0814, Job Offers and Return to Work;
- d. 5 CFR 339.205, Medical Qualifications Determinations;
- e. 5 CFR 353, Restoration to Duty from Uniformed Service or Compensable Disability;
- f. 5 USC Section 8102a, Death Gratuity Injuries Incurred in Connection with Service with an Armed Force;
- g. www.dol.gov/owcp/dfec- this website contains laws, regulatory material and other resources pertaining to the DOL/OWCP Federal Employees Compensation Act (FECA); and
- h. The Health Insurance Portability and Accountability Act.

5. DEFINITIONS

- a. ACS Medical Bill Processing Portal: The portal was designed to complement the OWCP Medical Bill Processing System that currently administers the Federal Employee Compensation Act (FECA), Division of Energy Employees Occupational Illness Compensation (DEEOIC), and Division of Coal Mine Workers' Compensation (DCMWC) programs for the DOL. This website provides continuous internet access to OWCP information, programs and services.
- b. Bargaining Unit: A group of employees represented by a union in collective bargaining.
- c. Career Appointment: Competitive service permanent appointment given to an employee who has completed 3 substantially continuous, creditable years of Federal service.
- d. Career-Conditional Appointment: Competitive service permanent appointment given to an employee who has not completed 3 substantially continuous, creditable years of Federal service and must serve a one year probationary period during the first year of the initial appointment.
- e. Career Transition Assistance Plan (CTAP): The Career Transition Assistance Program (CTAP) is designed to improve a current Federal employee's chances of finding a new job within their agency through selection priority.
- f. Chargeback: Mechanism by which costs for work-related injuries and deaths are assigned to employing agencies through the DOL, Office of Workers' Compensation Program. Payments are made from the Employees' Compensation Fund.
- g. Claimant Query System (CQS): A web based bill processing portal where injured workers can access their individual case specific information regarding their federal workers' compensation claim case file status. The CQS also provides specific information on medical billings, reimbursement requests, and eligibility and authorization inquiries.
- h. Competitive Service: All civilian positions in the Federal Government that are not specifically excepted from the civil service laws by or pursuant to statute, by the President, or by the Office of Personnel Management (OPM) under Rule VI, and that are not in the Senior Executive Service.
- i. Continuation of Pay (COP): Continuation of an employee's salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury.

- j. Department of Labor (DOL): A Federal Department charged with preparing the America's work force for new and better jobs in the 21st Century work force, and ensuring the adequacy of America's work places. The Department enforces Federal statutes which cover a wide variety of workplace activities to include protecting workers' wages, health, safety, employment, and pension rights; promoting equal employment opportunity; and administering job training, unemployment insurance, and workers' compensation programs.
- k. DOL District Office: DOL regional office claims examiners that conduct operations of OWCP, and maintains claimant records.
- l. DOL/Office of Workers' Compensation Programs: Adjudicates new claims for benefits, manages ongoing cases, and pays medical expenses and compensation benefits to injured workers and survivors.
- m. Disability: The incapacity, because of an employment injury/illness, to perform the duties an employee was performing at the time of the injury/illness.
- n. Excepted Service: Appointments that are made without regard to competitive requirements of the civil service rules and regulations and that are not covered by the Senior Executive service. Excepted service positions have been accepted from the requirements of the competitive service by law, Executive Order, or OPM regulation. (5 U.S.C. 2103 and 5 CFR part 213).
- o. Federal Employees Compensation Act (FECA): Provides workers' compensation coverage to Federal United States civilian workers including wage replacement, medical and vocational rehabilitation benefits for work-related injury and occupational disease. The FECA also provides for payment of benefits to dependents if a work-related injury or disease causes an employee's death.
- p. Injured Worker (IW): An employee who is injured in the performance of official duties, either by a traumatic injury or occupational disease or illness.
- q. Leave Buy Back: Process in which a workers' compensation claimant with an approved claim can re-purchase personal leave used for absence from duty due to the work-related injury, and in which the leave may be restored back to the employee's Time and Attendance record. This procedure includes the employee paying either 25 percent or 33 1/3 percent of the cost to repurchase the leave, and the employing agency paying either 75 percent or 66 2/3 percent, respectively, depending on whether the injured employee has a dependent(s).

- r. **Medical Documentation:** Medical information pertaining to an employee's work related injury which addresses current medical limitations of the employee as it relates to the performance of duty for the purpose of determining appropriate duties and placement for the employee upon returning to work.
- s. **Nurse Intervention:** A service provided by DOL/OWCP that provides for Registered Nurses (RNs) under contract to call or meet with employees, physicians and agency representatives to ensure that proper medical care is being provided and to assist employees in returning to work.
- t. **Occupational Disease:** Condition produced in the work environment over a period longer than one workday or shift, resulting from systemic infection; repeated stress or strain; exposure to toxins, poisons, or fumes; or other continuing conditions of the work environment.
- u. **Office of Workers' Compensation Program (OWCP):** The Federal agency within the DOL having the authority to approve or deny Federal civilian employees WC claims for work-related injuries or illnesses
- v. **OWCP Claimant:** An employee who has become injured or ill while performing his/her official duties and has submitted OWCP forms to the DOL District Office.
- w. **Return to Work (RTW):** Process where claimants are returned to work after a period of recuperation away from the job. Claimants can be returned to work in part-time or light duty positions, their position prior to the injury/illness, or a new position depending upon several criteria (availability of positions, injury status, medical limitations, etc.)
- x. **Senior Executive Service:** Positions that are classified above GS-15 of the General Schedule or in level IV or V or the Executive Schedule or equivalent positions, which are not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and in which employees direct, monitor and manage the work of an organizational unit or exercise other executive functions.
- y. **Special Hiring Authority:** Schedule A Appointing Authority is an excepted authority that agencies can use to hire persons with disabilities under 5 CFR 213.3102(u). Schedule A allows for non-competitive placement and re-employment of injured/disabled temporary or term employees who do not currently have competitive status.
- z. **Temporary Appointment:** An appointment made for a limited period of time and with a specific not-to-exceed date determined by the authority under which the appointment is made.

- aa. Temporary Employees: Employees (seasonal, students, etc.) that are covered by OWCP on the same basis as permanent employees.
- bb. Temporary Light Duty: A temporary work status an employee may be eligible for if the employee produces sufficient medical documentation, until Maximum Medical Improvement has been reached.
- cc. Tenure: The period of time an employee may reasonably expect to serve under his or her current appointment. Tenure is governed by the type of appointment under which an employee is currently serving, without regard to whether the employee has competitive status or whether the employee's appointment is to a competitive service position or an excepted service position.
- dd. Term Appointment: Appointment to a position that is scheduled to last more than one year but may not last more than four years.
- ee. Third Party Claims: Claims involving injuries/death when a party from a non-Government entity appears to be responsible. For example, an employee traveling in a Government authorized motor vehicle is struck by a private citizen or entity.
- ff. Traumatic Injury: A wound or other condition of the body caused by external force, including stress or strain. The injury is identifiable as to time and place of occurrence and member or function of the body affected. It must be caused by a specific event or incident or series of events or incidents within a single day or work shift.
- gg. WC Case Manager: USDA Agency employees with the responsibility of assisting in WC program administration by providing advice and counsel to employees on WC matters.
- hh. WC Representatives: USDA Agency field employees assigned the collateral duty function to assist in WC program administration by providing advice and counsel to employees on WC matters.
- ii. Work Schedule: The time basis on which an employee is scheduled to work. A work schedule may be full-time, full-time seasonal, part-time, part-time seasonal, part-time job sharer, part-time seasonal job sharer, intermittent, or intermittent seasonal.
- jj. Work Tolerance Limitation: Medical documentation listing an employee's permanent/temporary work limitations/restrictions.
- kk. WC Program Manager: The designated employee within the Agency responsible for the development, implementation, and evaluation of a comprehensive WC program.

6. RETURN TO WORK EFFORTS

NOTE: Bringing a claimant back to work takes precedence over hiring any new employee, unless otherwise provided by law.

The highest priority in Workers' Compensation cases is to ensure that the injured worker receives the medical care and treatment they need so that he/she recovers and can return to work. Every Agency Head should ensure that his/her organization makes every reasonable accommodation to return an injured or disabled employee to productivity, including modifying a current position/position description (PD) when possible to fit the abilities and physical restrictions of a claimant.

WC staff and supervisors work jointly to locate alternative assignments for possible placement of injured workers, or to restructure positions, based on medical restrictions provided. This includes the use of modified duty to return the injured employee to work as early as medically possible. They should provide a written recommendation on the placement which will include the position title, series, grade, PD, and qualifications assessment. If a light duty position is available, the Compensation Specialist should send a letter to the treating physician stating that USDA will modify the employee's position, or another position, for light duty based on the specific limits imposed by the employee's injury. The correspondence will include a copy of the PD and specify duties, physical requirements of the duties, and environmental conditions.

An informal temporary assignment or job offer may be made over the telephone but must be followed up with a formal, written offer that includes the PD. The job offer should state status, location, hours, all modification and accommodations offered, such as disabled parking place near the building, elevator, voice-activated computer software, amplified telephone, flexible work schedule, or other job-related accommodations, as appropriate and documented in the medical restrictions for the claimant.

NOTE: The injured worker may still require additional time off once they return to the temporary assignment for additional medical visits related to the accepted injury and condition.

The tenure of the position offered must match the tenure of the employee at the time of injury (i.e., a permanent employee must receive a permanent job offer). Term and temporary employees should still be offered positions even if the original appointment is expired. The length of the position offered should match the time remaining on original appointment at the time of injury but the offer must be for at least 90 days. The tenure and time must be stated in the job offer letter. After an assignment or position has been offered to a claimant, supervisors will keep the position offered open until the employee

reports for work, or until OWCP has issued a final decision on suitability. Detailed guidance is available in (DFEC) Procedure Manual Claims (FECA Part 2) Chapter 2-0814, Job Offers and Return to Work at

<http://www.dol.gov/owcp/dfec/regs/compliance/DFECfolio/FECA-PT2/group3.htm#20814>.

Agencies do have special Non-Competitive Hiring Authorities, Schedule A, for employees with disabilities. Schedule A is a hiring authority that Federal agencies may use to hire qualified individuals with documented disabilities (Schedule A letter required) into positions non-competitively without going through the often lengthy traditional hiring process. If you have a temporary or term employee that has become disabled due to their accepted injury/condition and cannot return to their previous position, you are strongly encouraged to use Special Hiring authorities for alternative placements.

The Employer's Responsibilities are also outlined in 20 CFR Part 10-Claims for Compensation under the Federal Employees' Compensation Act, As Amended, Subpart F. Return to Work—Employer's Responsibilities. Section § 10.505 states that the employer must take the following actions:

Upon authorizing medical care, the employer should advise the employee in writing as soon as possible of his or her obligation to return to work under § 10.210 and as defined in this subpart. The term "return to work" is not limited to returning to work at the employee's normal worksite or usual position, but may include returning to work at other locations and in other positions.

In general, the employer should make all reasonable efforts to place the employee in his or her former or an equivalent position, in accordance with 5 U.S.C. 8151(b)(2), if the employee has fully recovered after one year.

- a. Where the employer has specific alternative positions available for partially disabled employees, the employer will discuss alternative positions with the employee prior to placement. The employer will then advise the employee in writing of the specific duties and physical requirements of those positions.
- b. Where the employer has no specific alternative positions available for an employee who can perform restricted or limited duties, the employer should advise the employee of any accommodations the agency can make to accommodate the employee's limitations due to the injury.

According to Section § 10.507 the employer should make an offer of suitable work as follows. Where the attending physician or OWCP notifies the employer in writing that the employee is partially disabled (that is, the employee can perform some work but not return to the position held at date of injury), the employer should act as follows:

- c. If the Agency can provide alternative employment to a partially disabled employee who cannot perform his/her date of injury position, it will make an offer of light duty to the injured worker (this may also be identified as limited duty) and provide a copy to the OWCP.
- d. The employer may make a job offer verbally as long as it provides the job offer to the employee in writing within two business days of the verbal job offer.
- e. When an offer of employment is made, any such offer must be in writing and include the following information:

- (1) A description of the duties to be performed;
- (2) The specific physical requirements of the position and any special demands of the workload or unusual working conditions;
- (3) The organizational and geographical location of the job;

NOTE: Employees under special retirement systems, such as Fire Fighters and Law Enforcement Officers should first be offered positions that maintain their current retirement options.

- (4) The date on which the job will first be available;
- (5) The claimant's work schedule (including telework);
- (6) Pay rate (salary) information; and
- (7) The date by which a response to the job offer is required.

7. RESPONSIBILITES

Note: One employee may be accountable for more than one of the responsibilities identified in this section.

- a. Office of Procurement and Property Management (OPPM) Director is responsible for:
 - (1) Establishing USDA's workers' compensation and return-to-work policies;
 - (2) Providing technical assistance and advice on complex issues that arise, such as:
 - (a) Medical determinations of fitness for duty, and physical standards for job tasks;
 - (b) Investigation of potentially fraudulent claims; and
 - (c) Reemployment and rehabilitation of claimants.
 - (3) Monitoring agency and staff office compliance with Departmental policy;
 - (4) Providing Agencies and staff offices with access to the automated cost and claim information necessary to manage their programs;
 - (5) Reviewing and analyzing data received electronically from the DOL;
 - (6) Coordinating reviews of agency programs as necessary or as requested; and
 - (7) Reporting to the DOL and other entities, as required.
- b. Agency and/or Staff Office Heads are responsible for:
 - (1) Delegating appropriate authority to managers, supervisors, and other management officials, as required, to implement and operate the requirements of this Directive in a manner consistent with effective operations and sound management practices;
 - (2) Administering a USDA WC RTW program in accordance with law and applicable regulations consistent with this directive and USDA's policy. Agency programs must be designed to reduce workers' compensation costs and minimize time lost due to work-related injuries and illnesses by:
 - (a) Establishing an Agency/Mission Area-wide RTW program to offer IWs suitable jobs and return them to work as soon as possible;
 - (b) Establishing a USDA-wide RTW process to offer IWs suitable jobs and return them to work outside of the employing Agency when the employing Agency is unable to find a suitable placement.

- (c) Establishing accountability by implementing strategies to reduce program cost charges to the lowest possible organizational level.
 - (d) Agency Human Resources Offices shall exhaust OHRM's repository list containing eligible USDA return –to-work employees prior to recruiting.
- c. Mission Area or Agency Human Resources Directors and/or Staff Office Heads are responsible for:
- (1) Administering the USDA-wide RTW process to offer injured workers suitable jobs, consider retraining options based on employee needs and agency requirements and return them to work outside of the employing Agency when the employing Agency is unable to find a suitable placement. This will require cross-collaboration between USDA Mission Areas, Agencies, and Staff Offices to facilitate placements.
 - (2) Designating a WC Program Manager. This position may be either full-time or a collateral-duty, as appropriate for the size of the program. If the WC program is not under the purview of the HR Director, the senior Agency representative will be responsible for designating a program manager;
 - (3) Retaining program management responsibility within the agency even if case management is outsourced.
 - (4) Providing assistance for managers and supervisors in the execution of their program responsibilities;
 - (5) Conducting analyses or participating in program evaluations using established program assessment tools to ascertain whether programs comply with established principles, policies, procedures, and determining the need for improvement, training, or guidance;
 - (6) Taking adequate measures to protect the privacy of IWs;
 - (7) Providing requested reports and documentation of program activities to support USDA and DOL accountability program reviews and/or audits;

- (8) Requirement for OHRM to develop a repository of WC claimant vacated positions requiring backfill prior to other forms of recruitment. In other words, injury positions should be refilled with an employee that is medically cleared to return to work.
- d. The Workers' Compensation (WC) staff will:
- (1) Review all IW files to identify current and former employees who may be able to return to work in either a temporary light duty or permanent assignment situation. WC will base their review on the most current medical documentation available and may work with DOL/OWCP, the Reasonable Accommodation Program Manager, and/or Employee Relations Branch to request and assess new, updated medical information regarding the limitations and abilities of the injured individual.
 - (2) Coordinate with the servicing DOL/OWCP office regarding the value, cost, and extent of vocational rehabilitation necessary to retrain and re-employ injured workers for whom no work is available for which they can use their current skills/abilities.
 - (3) Monitor rehabilitation efforts and progress; re-training and re-employment with available resources.
 - (4) Coordinate with Mission Area Human Resources Directors to determine placement opportunities if none are available in the employing Agency.
 - (5) Establish job information networks and ensure outreach efforts for position vacancies giving consideration to disabled claimants as a pool of potential candidates.
 - (6) Assist management with official light duty offers to current IWs that comply with FECA requirements. Advise the employee in writing of:
 - (a) Light duty availability, its organizational/geographical location and expected duration;
 - (b) All duties of the proposed position;

- (c) The specific physical limitations communicated by the employee's attending physician and used to determine appropriate duties for returning to work;
 - (d) The employee's responsibility to work within prescribed medical limitations;
 - (e) The employee's responsibility to use universal tools, processes and procedures and instructions for access (e.g., pharmaceuticals contract, rehabilitation services, etc.).
- (7) Assess the adequacy of efforts to place eligible employees in light duty assignments on a case-by-case basis.
 - (8) Periodically evaluate the effectiveness of and recommend changes/enhancements to the Return-to-Work program.
 - (9) Staff will notify the Injured Worker of their benefits rights under the FECA.
- e. The Injured Workers (IWs) will:
- (1) Inform management of any and all medical conditions resulting from a work-related injury that adversely affects his/her ability to perform the full scope of officially assigned duties.
 - (2) Attend all scheduled medical appointments. Furnish authorized personnel required medical documentation, clearly documenting medical limitations that may require accommodation, the type and duration of any accommodations and the employees' ability to perform a temporary light duty or permanent assignment.
 - (3) For an injury that is expected to be of temporary duration, accept a suitable light duty assignment as a temporary accommodation, if offered, or DOL/OWCP benefits may be terminated.
 - (4) Work within the prescribed medical limitations imposed.

- (5) Comply with all applicable safety and health rules and regulations in order to prevent injuries and illness.
 - (6) Ensure unsafe and/or unhealthful working conditions are reported to their immediate supervisor as soon as possible.
 - (7) Report work-related injuries and illnesses to their immediate supervisor as soon as possible.
 - (8) Submit or ensure that someone acting on the employee's behalf submits the necessary reporting information promptly.
 - (9) Comply promptly with requests from their supervisor, the appropriate WC program manager, and/or Human Resources for status updates or medical reports; and return to work as soon as the medical condition permits, even into a part-time, limited-duty, or light-duty work assignment or arrangement.
 - (10) Advise the supervisor immediately of any change in the medical condition impacting the ability to perform the full scope of duties to which officially assigned, and provide medical documentation to substantiate any changes in the medical condition and/or approval to return to the full range of duties.
 - (11) Seek or accept suitable employment.
 - (12) Resume regular Federal employment, if capable.
- f. The Supervisor will:
- (1) Receive and acknowledge requests for light duty.
 - (2) In consultation with the injured worker, Human Resources Office (HRO) and the WC staff, determine the availability of light duty and continually monitor potential assignments that may meet the needs of the injured worker and the employing agencies as needed.
 - (3) Respond to WC inquiries regarding the availability of and options for light duty. Make every effort to safely and appropriately accommodate an IW's temporary medical limitations provided by the treating physician.

- (4) Require the employee to submit current medical documentation to the Agency Compensation Specialist for use by the agency to identify an assignment or position that appears to meet the abilities and/or limitations of the employee.
- (5) Require that an employee assigned light duty submit medical documentation at designated intervals to support the need for continued light duty or to modify the assignment consistent with changes in physical limitations.
- (6) Refer the employee to the appropriate Human Resources staff regarding benefits, when necessary.
- (7) Follow up on an employee's request for light duty assignment to ascertain if light duty becomes available after an initial determination of unavailability.
- (8) Document efforts to utilize a partially disabled employee and submit this documentation to the WC staff to ensure that supervisor fulfills obligations under this policy. Provide injured worker with a copy of documentation.
- (9) Initiate appropriate requests for personnel action, as needed.
- (10) Implementation of DOL's and the agency's determination of claimant's ability to return to work.

8. SCOPE

This policy addresses returning an IW to suitable employment after having been on DOL/OWCP disability compensation either in their employing Agency or another USDA office.

NOTE: Job offers will be prepared and extended to IWs for Limited or Modified duty as soon as restrictions are provided; even if the IW is still within the COP Period. Upon an IW's return to full-duty (whether it is during the COP period or after having been in a light/limited duty position where a job offer was extended and accepted), it is the WC Case Manager's responsibility to notify DOL/OWCP of the IW's return to work. A doctor's release indicating the IW is capable of returning to work is not considered sufficient evidence of an IW having actually returned to work.

9. CHANGE IN GEOGRAPHICAL LOCATION

If an IW has relocated to a new geographical location, the WC Case Manager is responsible for making a good faith effort to place the IW in the new geographical

location before pursuing gainful employment with the originating location where the injury first occurred.

10. PAYMENT OF RELOCATION EXPENSES

DOL/OWCP's regulations (20 CFR § 10.508) provide that an IWs who relocates to accept a suitable job offer after termination from the agency rolls may receive payment or reimbursement of moving expenses from the DOL/OWCP compensation fund. This regulation further states that Federal Travel Regulations pertaining to permanent change of station (PCS) moves are to be used as a guideline in determining whether expenses claimed are reasonable and necessary. Reference DOL (also refer to Federal Travel Regulation (FTR) Chapter 302, Subpart B).

11. REEMPLOYMENT

Return to duty of IWs is a corporate responsibility. A successful enterprise WC RTW Program is dependent upon full coordination and cooperation between the injured worker and USDA Agencies and Mission Areas. It is the responsibility of management officials and MAHRDs to work together to facilitate final placement decisions for these employees.

An employee who fully recovers from a compensable injury within one year from the date of eligibility for compensation began (or from the time compensable disability recurs if the recurrence begins after the employee resumes regular full-time employment with the United States), is entitled to be returned immediately and unconditionally to his or her former position or an equivalent one. Although these restoration rights are department wide, the employee's basic entitlement is to the former position or equivalent in the local commuting area the employee left. If a suitable vacancy does not exist, the employee is entitled to displace an employee occupying a continuing position under temporary appointment or tenure group III. If there is no such position in the local commuting area, the agency must offer the employee a position (as described above) in another location. This paragraph also applies when an IW accepts a lower-grade position in lieu of separation and subsequently fully recovers. A fully recovered employee is expected to return to work immediately upon the cessation of compensation.

REEMPLOYMENT PRIORITY LIST (RPL)

In accordance with 5 CFR 330.201(a), RPL assists current and former competitive service employees who will be or were separated by RIF under 5 CFR 351, or who have recovered from a compensable work related injury after more than one year, as required by 5 CFR 353. In filling vacancies, mission areas, agencies and staff offices must give

USDA's RPL registrants placement priority for most competitive service position (limited to competitive service employees in tenure groups I (career) and II (career-conditional) in accordance with 5 CFR 330.203 and §330.204 respectively) before hiring an individual outside the USDA workforce.

General Provisions

Servicing HROs are responsible for ensuring that USDA employees separated by RIF or those who are fully recovered from a compensable injury after more than one year receive non-competitive reemployment priority consideration for vacant positions for which he/she is qualified. The reemployment priority consideration requires careful review of the basic qualifications of the RPL eligible, followed by contact to determine interest and availability. Eligibility for RPL is limited to competitive service employees in tenure groups I (career) and II (career-conditional) in accordance with 5 CFR 330.203 and §330.204 respectively. HRO staffs are expected to interpret and apply OPM's qualification standards, minimum educational requirements and selective placement factors (including any minimum education and established selective placement factors) to place basically qualified RPL eligibles in vacant positions when possible.

Mission Area human resources offices need to determine when to check the RPL for any permanent or temporary vacancy. For example, in conducting external and internal recruitment, they may want to consider RPL eligibles at one of the following stages of the process:

- a. Prior to announcing the vacancy or requesting a certificate issued by OPM or a delegated examining unit.
- b. Prior to referring a certificate of eligibles or prior to making an offer of employment.

Additional guidance will be provided to employees who are fully recovered after one year; employees who are physically disqualified employees and partially recovered employees. <http://www.dm.usda.gov/employ/policy-employment/rpl.htm>

12. PROGRAM EVALUATION

OPPM is responsible for conducting reviews of Agency programs as necessary or as requested. Agency and Mission Area management officials and Human Resources Directors are responsible for conducting regular internal program reviews, as well as developing and implementing internal controls to ensure proper program management and compliance.

-END-