

NATIONAL WEATHER SERVICE INSTRUCTION 10-1310

February 4, 2015

Operations and Services

Surface Observing Program (Land), NDSPD 10-13

CLAIMS FOR ON-THE-JOB INJURIES TO CONTRACT/COOPERATIVE OBSERVERS

NOTICE: This publication is available at: <http://www.nws.noaa.gov/directives/>.

OPR: W/OS7 (T. Trunk)

Certified by: W/OS7 (K. Schrab)

Type of Issuance: Routine

SUMMARY OF REVISIONS: This directive supersedes NWSI 10-1310, *Claims for On-The-Job Injuries to Contract/Cooperative Observers*, dated January 21, 2013. There are no content changes to this policy.

- Updated the link in Section 4, for access to the current version of NWSM 50-1115, *Occupational Safety and Health*.
- Corrected an error in the reference to Form CA-1, in Section 5. The intention of the Form CA-1 is to report traumatic injury, and not disease.
- Updated the name of approving authority.

Signed 1/21/2015
Andrew D. Stern Date
Acting Director, Office of Climate,
Water, and Weather Services

Claims for On-the-Job Injuries to Contract/Cooperative Observers

<u>Table of Contents:</u>	<u>Page</u>
1. Introduction.....	2
2. Employee Definition.....	2
3. Contract and Cooperative Observers	2
4. National Weather Service (NWS) Occupational Safety and Health Manual	3
5. Required Forms and Filing Types.....	3

1. Introduction. The Federal Employees’ Compensation Act (5 U.S.C. 8101 et seq.) provides compensation and medical care for all civil officers and employees of all branches of the Federal Government for disability due to personal injuries sustained while in the performance of duty. The term ‘injury’ includes, in addition to injury by accident, a disease proximately caused by the employment. The law also provides for the payment of funeral and burial expenses and compensation for the dependents if the injury or disease causes the employee’s death. The Federal Employees’ Compensation Act and related regulations can be found at <http://www.dol.gov/owcp/>.

2. Employee Definition. A Federal employee who is injured while in the performance of duty has no right to recover damages from the United States for the effects of the injury, except through the Federal Employees’ Compensation Act. The benefits provided by the Act constitute the exclusive remedy for work-related injuries or deaths.

An “employee” is defined under the Act as including, “*an individual rendering personal services to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual.*” Cooperative Weather Observer arrangements are required to be formalized by a Cooperative Agreement with Observer, “WS Form B-30 or B-30a,” or Agreement for Observer Reports, “NOAA Form 36-14,” signed at the time of appointment.

3. Contract and Cooperative Observers. Individual observers to the National Weather Service Contract (A-Paid) or Cooperative Observer Program (COOP) may be considered by the National Weather Service as having employee coverage under the Federal Employees’ Compensation Act while engaged in the observation work regardless of whether they are paid. However, the final determination as to their eligibility and extent of coverage under the Act rests with the Office of Workers’ Compensation Programs (OWCP), Employment Standards Administration, U.S. Department of Labor. Information about the Employment Standards

Administration can be found at <http://www.dol.gov/owcp/dfec/fec-faq.htm>. The compensation program is administered by OWCP district offices located throughout the United States.

4. National Weather Service (NWS) Occupational Safety and Health Manual. The NWS Occupational Safety and Health Manual covers the procedures and instructions to follow for an accident or incident resulting in an occupational injury or illness. The manual is accessible via the online NWS Manual, 50-1115, *Occupational Safety and Health*, <http://www.nws.noaa.gov/directives/050/pd05011015curr.pdf>. On page 2 of the directive is the table of contents for the Manual, with each chapter name hyperlinked to its own subject matter. To access the federal forms to file a claim, select Chapter 18, Injuries/Illnesses Reporting and Recording.

5. Required Forms and Filing Times. Because Contract and Cooperative Observers may not be familiar with preparation of the required administration forms, the NWSREP or the Regional Cooperative Program Manager will be expected to provide considerable assistance to the observer, including the assumption of initiative and follow up. In the context of an employee supervisor relationship, however, the supervising office (Meteorologist-in-Charge) is considered the ‘supervisor’ of either the Contract or Cooperative Observer. Form CA-1, “Federal Employee’s Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation” is used to report a traumatic injury, while Form CA-2 is used to report an occupational disease. The NWS Occupational Safety and Health Manual contains the forms for submitting claims. Questions about compensation under the Federal Employees’ Compensation Act should be directed to the appropriate administrative support center. A claim may be in the form of a specific letter or particulars from the observer to the supervising office, accompanied by Forms CA-1 and/or CA-2 signed by the observer (and the Meteorologist-in-Charge and NWSREP) and CA-20 signed by the attending physician. Pertinent invoices, billings, receipts, and other such supporting documents should be attached. The observer should carefully follow the instructions attached to Forms CA-1 and CA-2. Form CA-1 should be filed within 30 days of the injury, and the Form CA-2 should be filed within 30 days of the date the observer realized the disease or illness was caused or aggravated.