

ERRATA SHEET

THE OFFICE OF PRIMARY INTEREST HAS IDENTIFIED ERRORS IN THE CURRENT
VERSION OF DOE N 350.6. THIS ERRATA SHEET REPLACES THE CURRENT VERSION
WITH THE CORRECT VERSION OF THE FILE.

THIS ERRATA SHEET IS TO REMAIN WITH DOE N 350.6.

CANCELLED

SUBJECT: ACCEPTANCE OF VALID WORKERS' COMPENSATION CLAIMS

1. OBJECTIVES:

- a. To implement the Departmental policy to pay all valid workers' compensation claims for work-related illnesses by requiring contractors to:
 - (1) accept a valid state workers' compensation claim for work-related illness or injury as compensable when such a valid claim is initially presented; and
 - (2) consider a claim for state workers' compensation as valid, to the extent permitted by state law, if the claim is based on an occupational illness or injury that is so diagnosed in accordance with any applicable criteria under state law by physicians associated with the site occupational medicine clinics or the current and former worker medical monitoring programs sponsored by DOE.¹
- b. To implement Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (hereinafter the Act), Public Law 106-398², which provides DOE with additional authority to assist contractor employees who file claims under state workers' compensation systems once agreements to do so have been entered into between DOE and States. In particular, section 3661(e)(3) provides that, to the extent permitted by law, the Secretary may direct a DOE contractor not to contest a state workers' compensation claim or award if the process in section 3661 is satisfied.
- c. To confirm the general direction to DOE contractors that, in all cases, they must support valid workers' compensation claims and accept valid claims, to the extent permitted by law, as early in the review process as practicable in order to minimize the administrative burden to the worker associated with submitting a workers' compensation claim. Contractors should determine validity expeditiously through established mechanisms

¹These requirements do not define the entire universe of claims that could be considered valid.

²The Act also established a program to provide compensation for certain occupational illnesses to covered employees of the Department of Energy (DOE), its contractors and subcontractors, companies that provided beryllium to DOE, and atomic weapons employers. Actual eligibility criteria for this program remain to be defined and will be established by the Department of Labor, over the next year.

consistent with applicable state law and procedures, taking into account relevant factors such as causation and diagnosis. Once a determination of validity is made, a contractor should not oppose a claim.

The Office of Management and Administration is revising Department of Energy (DOE) Order 350.1, CONTRACTOR HUMAN RESOURCE MANAGEMENT PROGRAMS, to reflect this requirement. Completion of these revisions is scheduled for March 31, 2001.

2. CANCELLATION. None.
3. APPLICABILITY. The provisions of this Notice apply to all DOE elements, including elements of the National Nuclear Security Administration, responsible for oversight of contracts for the operation of the Department's facilities. For facilities and activities under the Deputy Administrator for Naval Reactors (NR-1), the Deputy Administrator for Naval Reactors will determine what actions are necessary to achieve the objectives of this notice. This Notice does not, however, apply to workers' compensation claims filed by DOE employees.³

Attachment 1 to this Notice contains the Contractor Requirements Document (CRD). This CRD applies to all DOE major facilities management contracts. Contractors must comply with the requirements listed in the CRD to the extent set forth in their contracts. Field Office managers must identify the contracts into which the requirements in the CRD will be incorporated.

4. REQUIREMENTS.
 - a. A contractor must accept a valid state workers' compensation claim for work-related illness or injury as compensable when such a valid claim is initially presented. Furthermore, to the extent permitted by state law, a contractor must consider a claim for state workers' compensation as valid if the claim is based on an occupational illness or injury that is so diagnosed in accordance with any applicable criteria under state law by physicians associated with the site occupational medicine clinics or the current and former worker medical monitoring programs sponsored by DOE. In addition, if the Secretary directs a contractor not to contest a state workers' compensation claim or award in accordance with section 3661(e)(3) of the Act, the contractor must comply with this direction to the extent permitted by law.

³Currently, claims by civilian employees of the United States for disability due to personal injury (including occupational disease) sustained while in the performance of duty are administered by the Department of Labor pursuant to the Federal Employees Compensation Act. In addition, the program established by the Energy Employees Occupational Illness Compensation Program Act of 2000 provides compensation for certain occupational illnesses to covered employees of the Department of Energy (DOE). However, the Department of Labor has not yet defined actual eligibility criteria for this program.

- b. A contractor must provide the contracting officer with copies of all letters sent to state workers' compensation officials accepting or denying a compensation claim for work-related illness or injury.

5. RESPONSIBILITIES.

a. Assistant Secretary for Environment, Safety and Health.

- (1) Establish and chair the Worker Advocacy Working Group. This working group will serve as a vehicle to coordinate consistent implementation of the requirements in this Notice throughout the Department, identify and resolve implementation issues as they arise, and obtain advice from Headquarters and the field regarding potential impacts that implementation of workers' compensation programs may have on program activities.
- (2) Negotiate with individual States to develop and put into place the agreements authorized by section 3661 of the Act. These agreements will serve as the basis for DOE's providing information and other appropriate assistance under the Act to a DOE contractor employee with respect to a claim by the employee under the appropriate State workers' compensation system.

b. Head of Contracting Activities.

- (1) Ensure that requirements listed in the Contractor Requirements Document (CRD) are incorporated into existing and new major facilities management contracts, and subsequently ensure that contractors accept all valid state workers' compensation claims for work-related illness or injury as compensable when such valid claims are initially presented in accordance with the requirements in the CRD.
- (2) Each Field Office shall designate DOE and contractor representatives to serve as members of the Worker Advocacy Working Group. The names of the representatives shall be provided to the Assistant Secretary for Environment, Safety and Health within 10 days of the Notice issuance date.

6. CONTACT. For information, contact the Office of Worker Advocacy at 202-586-2407.

BY ORDER OF THE SECRETARY OF ENERGY:



T.J. GLAUTHIER
Deputy Secretary

CONTRACTOR REQUIREMENTS DOCUMENT

DOE N 350.6, ACCEPTANCE OF VALID WORKERS' COMPENSATION CLAIMS

1. A contractor must accept a valid state workers' compensation claim for work-related illness or injury as compensable when such a valid claim is initially presented. Furthermore, to the extent permitted by state law, a contractor must consider a claim for state workers' compensation as valid if the claim is based on an occupational illness or injury that is so diagnosed in accordance with any applicable criteria under state law by physicians associated with the site occupational medicine clinics or the current and former worker medical monitoring programs sponsored by DOE. In addition, if the Secretary directs a contractor not to contest a state workers' compensation claim or award in accordance with section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000, the contractor must comply with this direction to the extent permitted by law.
2. A contractor must provide the contracting officer with copies of all letters sent to state workers' compensation officials accepting or denying a compensation claim for work-related illness or injury.