

OWCP TRAINING

OWCP MEMBER HANDOUT





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“Suffering an on-the-job injury is devastating enough. But the consequences go far beyond physical and emotional. It also impacts the injured employee financially.

This OWCP training is aimed at equipping you with the knowledge to assist your Brothers and Sisters within the APWU family

The APWU’s objective is to demonstrate a sincere commitment to the principle that our injured members are entitled to the best assistance that we can provide.”

In Union Solidarity

Daleo

OVERVIEW FOR INJURED WORKER

Report your Workplace injury to your Supervisor

Is my Injury a Traumatic injury CA-1 or an Occupational Illness or Disease CA-2 ?

Complete ECOMP Registration and CA-1 or CA-2 Supervisor is to provide CA-20 and CA-16 forms (CA-16 only provided with CA-1)

The 5 basic elements to an OWCP claim

COP and Compensation

Employer Responsibilities

OWCP - FECA

- The Office of Workers' Compensation Programs administers four major disability compensation programs which provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to certain workers or their dependents who experience work-related injury or occupational disease.
- The Division of Federal Employees' Compensation adjudicates new claims for benefits and manages ongoing cases; pays medical expenses and compensation benefits to injured workers and survivors; and helps injured employees return to work when they are medically able to do so.

SUPERVISOR NOTIFICATION



- Every job-related injury should be reported to your supervisor as soon as possible. Injury in this case also means any illness or disease that is caused or aggravated by your employment as well as damage to medical braces, artificial limbs, and other prosthetic devices
- The USPS Handbook EL-814 states “You must report an injury immediately”. However, it is fair to say Immediately upon your awareness.
- Time frames to be eligible to report an injury and or select COP within OWCP/FECA regulations will be listed in subsequent slides.

WHICH FORM SHOULD BE COMPLETED

CA-1 Traumatic Injury

Traumatic injury means a wound or other condition of the body caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected. The injury must be caused by a specific event or incident or series of events or incidents within a single work day or shift.

The injury must be caused by a specific event or incident. This injury was caused by picking up a heavy object, or slipping and falling down, for example.

CA-2 Occupational Illness

Occupational disease or illness is a medical condition produced in the work environment over a period longer than a single workday or shift by such factors as a repetitive motion injury, or exposure to hazardous elements such as, but not limited to, toxins, poisons, fumes, noise, particles, radiation, or other continued or repeated conditions or factors of the work environment.

ADDITIONAL FORMS



- **CA-16 Authorization for Examination and/or Treatment.**

The employer shall issue Form CA-16 **within four hours of the claimed injury**. If the employer gives verbal authorization for such care, he or she should issue a Form CA-16 within 48 hours. The employer is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury. This form guarantees payment to the care provider if the employee requires medical treatment because of a work-related traumatic injury.

- **CA-20 Attending Physician's Report**

A medical report is required by OWCP BEFORE payment of compensation for loss of wages can be made to the employee. Recommend this form used in lieu of a narrative medical report issued by the physician.

After initial visit for medical care, it is recommended that you take with you a form **CA-17 - Duty Status Report** to give to the attending physician. This form provides your supervisor and OWCP with work restrictions that can be used in a return to work effort.. Ca-17 forms apply to CA-2 claims also

TIMELY FILING



IS MY CLAIM TIMELY?

Official criteria:

3 years from date of injury, or for latent conditions, from the date of first awareness, or date reasonably should have been aware of a possible connection to the condition and employment.

30 days from injury - COP eligibility

Agency Timeliness 10 days from Supervisor to DOL

ECOMP Information

- Before you can file any forms in ECOMP as an injured worker or employee, you must first register and create an ECOMP account. By doing so, this places you in control of your claim. This means you do not need to rely on your employer or supervisor to submit your claim on your behalf. This also allows OWCP to communicate directly with you in a near-real time basis.
- To register, click the "Register" link on the ECOMP home page at ecomp.dol.gov.

<https://www.ecomp.dol.gov/#/help/userguide/claimant/Registration>

FIVE OWCP CLAIM ELEMENTS

There are five basic elements to an OWCP claim:

- 1) **Timely** – The claim must be considered timely
- 2) **Civilian Status** – The claimant must be a civilian employee
- 3) **Fact of Injury** – A narrative of what happened
- 4) **Performance of Duty** – Injury occurred during work activity
- 5) **Casual Relationship** – Explains the relationship of the injury to work activity

CONTINUATION OF PAY

➤ 45 calendar day window; Begins on the date of first disability.

➤ Eligibility:

- File CA-1 within 30 days of the date of injury.
- COP is paid by the USPS and is the same as your regular pay
- Submit medical evidence of disabling injury to the employing agency within 10 calendar days

ALWAYS ELECT COP, OWCP IS THE ONLY AGENCY THAT DECIDES IF YOU ARE ELIGIBLE DO NOT BE MISLED BY YOUR SUPERVISOR

Postal Service employees have a three-day waiting period before COP will be granted. They may use annual leave, sick leave, or leave without pay during that period. If the disability exceeds 14 days or is followed by permanent disability, the Postal Service employee may have that leave restored. See 20. C.F.R. §10.200(c). The three waiting days count toward the 45 calendar-day COP entitlement period. Time lost for medical treatment only does not count as work disability and does not count as a waiting period day, and the employee must elect COP on the front of Form CA-1 to request that any previously-used leave be changed to COP.

WAGE LOSS COMPENSATION

- ✓ Can be paid for both Traumatic Injury claims and Occupational Illness/Disease Claims.
- ✓ Paid at a rate of 75% of date of injury pay if dependents are in the household.
- ✓ Paid at 66 2/3% if no dependents.
- ✓ Tax Free

Compensation paid for total disability, absence for medical treatment related to the injury, or for employees who have returned to work but are earning less than what their date of injury job currently pays.

Filed using a CA-7 & CA-7a (if time is intermittent)

Based on pay rate on the date of injury, date disability began or date of recurrence.

SUPERVISOR RESPONSIBILITIES

NOTIFICATION OF INJURY:

Step 1: Discuss the facts with employee surrounding the injury

Step 2: Assist employee in filing injury claim through ECOMP portal within (24-48 hrs)

Step 3: Issue Form CA-16 to employee, if traumatic injury

Step 4: Step 4: Notify Employee of their rights to see the Doctor of their choice

Step 5: Notify Safety and HR Injury Compensation Program Administrator

Step 6: Complete Supervisory review in ECOMP portal

COMMON USPS CLAIM VIOLATIONS

Only contractual issues can be grieved.

All Compensation matters are cited in **CBA Article 3, 19, and 21.4**. Management shall be subjected to the provision of the CBA and consist with applicable laws and regulations. (art.3)

Article 19 shall apply to handbooks, manuals and published regulations of the Postal Service, which directly relates to wages, hours or working conditions (**art. 19**)

Employees are covered by **5 USC 8101 et.**

The Postal Service will publish and comply with applicable regulations of the Office of Workers' Compensation (**art 21**)

RESOURCES FOR RESEARCH

Resources for research:

- 1) 20 CFR 10, Code of Federal Regulations
- 2) 5 USC 8101 et. USPS Handbook
- 3) EL-505
- 4) ELM 540
- 5) CA 810
- 6) CA-550

TREATING DOCTOR SELECTION

Failure to select your own physician...

The Employer must advise you that you can see a physician of your choice, unlike State Workers Comp.

Employees should seek a physician that is their Advocate, not a postal contract physician.

You will find the language to assist you with a grievance in the **ELM and EL-505**

PHYSICIAN CONTACT

They (USPS) are prohibited to contact your physician to obtain information and not informing the injured employee.

Inform your members to tell the physician they are only required to reply to DOL/OWCP, **NOT the USPS**

Another violation similar is when they call the physician and speak to any member of the physician staff or send the Inspection Service to visit the physician face to face. ECAB has determined that the Inspection Service is an agent of USPS and must adhere to same regulations as the HRM specialist.

SUPERVISOR C.O.P. VIOLATIONS

Failure to inform the employee the right to select Continuation of pay (COP).

Every injured employee that is filing a CA-1 should request COP, **NOT their own leave**. A 3 day waiting period does apply. OWCP is the sole authority to determine if an employee is entitled.

COP must be paid immediately upon the first day of disability when prima facia note is provided to management.

**Guidance on COP can be found in 20 CFR 10.200-224,
ELM 545.7**

CONTROVERTING ENTITLEMENT TO C.O.P.

The USPS may controvert entitlement to COP, but **MUST** continue the employees, regular pay pending a final determination by OWCP.

OWCP has the exclusive authority to address questions of entitlement and all other issues relating to COP

The employee cannot defend themselves if they are not aware of the controversion.

20 CFR states they must notify their intent and the reasons for controverting the claim.

SUPERVISOR FORM SUBMISSION DELAYS

Delaying the submission of CA-1 and CA-2 forms to OWCP.

Management must forward the OWCP form to OWCP within 10 working days after it is received from the employee.

Medical evidence is not required and will not be a valid reason for the delay of submission.

20 CFR 10.110 and ELM 544, 545

And EL-505 Section 4.4

MISHANDLING LOSS TIME

Failure to forward CA-7, Claim for Compensation to OWCP timely.

USPS must forward CA-7 in 5 days to OWCP

**20.CFR 10.112 and
ELM 544 and 545**

MEDICALLY SUITABLE WORK

Not providing medically suitable work in accordance with CA-17 and the law.

When a current employee has partially overcome a compensable disability, the Postal Service must make every effort toward assigning the employee to limited duty consistent with the employee's medically defined work limitation tolerance (see **546.611**)

In assigning such limited duty, the Postal Service should minimize any adverse or disruptive impact on the employee.

20 CFR 10.507, ELM 546.142, EL-505 ch.7