

LABOR RELATIONS



May 16, 2007

Mr. Ed Duncan
Deputy Director, Federal Employees' Compensation
Office of Workers' Compensation Programs
Washington, DC 20210

Dear Mr. Duncan:

This is a joint request from the U. S. Postal Service and the National Association of Letter Carriers concerning Continuation of Pay (COP) entitlement. We are seeking clarification of:

20 CFR 10.215(b): *The first COP day is the first day disability begins following the date of injury (providing it is within the 45 days following the date of injury), except where the injury occurs before the beginning of the work day or shift, in which case the date of injury is charged to COP.*

Under this implementing regulation, when would COP commence in the following circumstances:

An employee, whose regular work schedule is 8:00 a.m. to 4:30 p.m., is directed by the employer to begin work at 6:00 a.m. on June 1 (thus working 2 extra hours in addition to his normal work schedule). The employee suffers an on-the-job injury at 6:15 a.m. (after working for 15 minutes) and is unable to continue working for the remainder of the day (and for several days thereafter).

In the above example, would the period for determining COP eligibility start at 8:00 a.m. on June 1, or would it start on June 2?

We appreciate any guidance you can provide.

Sincerely,

Handwritten signature of Alan S. Moore in black ink.

Alan S. Moore
A/Manager
Labor Relations Policy
and Programs

Handwritten signature of William H. Young in black ink.

William H. Young
President
National Association of Letter
Carriers, AFL-CIO



June 27, 2007

File Number:

Alan S. Moore
Labor Relations Policy and Programs

William H. Young
National Association of Letter Carriers

United States Postal Service
475 L'Enfant Plaza, SW
Washington, D.C. 20260

Dear Gentlemen:

I am writing in response to your letter of May 16, 2007. You had requested clarification of our policy in regards to continuation of pay (COP) and the provisions of 20 CFR 10.215(b).

First, I apologize for the delayed response. Your inquiry was just received in my office yesterday, June 26.

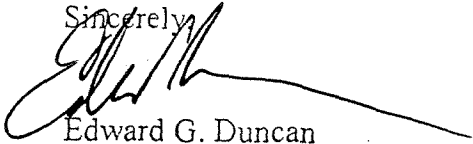
The regulation states that the first COP day is the first day disability begins following the date of injury...except where the injury occurs before the beginning of the work day or shift. You provided an example where the employee was injured while working additional hours immediately before the start of the regularly scheduled shift. You questioned whether the start of the regularly scheduled shift that same day would be the beginning of COP or the following day. COP would begin on the following day (June 2 in your hypothetical case).

In your example, the injured employee had already commenced working (was "on the clock") when the injury occurred. Although this may have been overtime or some other pay status, the employee was working and the work day had begun (regardless of the regularly scheduled shift). Time lost on the date of injury does not count toward COP.

Had this same employee been injured in the parking lot before commencing work, COP would begin with the start of scheduled work shift. In this situation, the injured employee was not yet "on the clock" when the injury occurred.

I trust that this information is responsive to your question. Please contact our office if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. G. Duncan', with a long horizontal flourish extending to the right.

Edward G. Duncan
Deputy Director
Federal Employees' Compensation