

CCAs, continuation of pay and wage-loss compensation



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This winter's weather has taken a toll on many letter carriers. Record cold and snow increase the potential for on-the-job injuries. While longtime letter carriers have the experience and cold-weather gear to deal with unusual cold and snow, our newest city carrier assistants (CCAs) often do not. There is concern that CCAs may be getting injured and are not reporting injuries or filing claims.

CCAs are protected by the Federal Employees Compensation Act (FECA), just like their career counterparts. FECA protection exists from the first day a CCA begins his or her employment with the Postal Service, be it a "shadow" day, orientation or classroom instruction. Newly hired CCAs

should be advised of their FECA rights and protections at orientation and during on-the-job training.

Due to the nature of their employment, CCAs in their 90/120-day probationary period may be reluctant to file claims for on-the-job injuries. Failing to file a claim in a timely manner can lead to multiple problems in getting a claim accepted, while failing to seek medical treatment for a traumatic injury can lead to lifelong disabilities. Branch officers should support CCAs injured on the job and assist in the timely submission of claims.

When filing a claim for a traumatic injury, workers can choose between continuation of pay (COP) and sick or annual leave. COP is almost always the best option. As CCAs do not have any sick leave and accrue annual leave slowly, COP sometimes is the only option. Proper computation of COP and wage-loss compensation (WLC) for CCAs has been problematic in some cases.

In some districts, the Postal Service has simply paid CCAs COP hours equal to their minimum call-in guarantee. That is inconsistent with OWCP regulations and thus constitutes a contractual violation that should be grieved. While the computation of COP and wage-loss compensation is relatively straightforward for career employees with set work schedules, it is more complex for employees like CCAs who work variable hours, with few or no guarantees.

OWCP has addressed the issue of how to calculate COP and wage-loss compensation for Postal Service CCAs, in FECA Bulletin (FB 13-03). The bulletin provides OWCP claims examiners and agency injury compensation specialists with guidance for determining CCA COP and wage-loss compensation.

It is important to understand that the Postal Service pays COP (but it is required to pay it in accordance with OWCP regu-

lations), while OWCP pays WLC (but bases it on certification by the Postal Service of employee pay rates and hours worked).

The formula that OWCP requires agencies (including the Postal Service) to use to calculate COP is different than the formula OWCP uses to calculate WLC, for employees with no set work hours such as CCAs. In addition, there are separate formulas for determining WLC for employees who have worked in the CCA position for 11 months or more, versus those CCAs who have worked in the position for less than 11 months. The three formulas are described below.

The method for calculating COP weekly pay for CCAs is found at 20 CFR 10.216(b)(2): Calculate the total pay earned by the employee during the one-year period prior to date of injury (excluding overtime), divided by the number of weeks worked by the employee during that one-year period (a partial workweek counts as an entire week). Because CCAs were first hired in February 2013, many CCAs have worked in the CCA position for less than one year. In those cases, COP will be calculated on CCA time of less than one year.

The method for calculating wage-loss compensation weekly pay for CCAs depends on how long the CCA has been employed as a CCA. There are two possible methods:

- **If the employee has not worked 11 months or more in the CCA position:** WLC is calculated in accordance with 5 USC 8114(d)(2) as follows: Total pay (excluding overtime) for the year prior to date of injury for an employee in the same (or neighboring) facility who did work 11 months or more in either TE or CCA positions. If there is more than one such employee, the one who worked the most hours in the year must be used. Divide that total by 52 weeks to calculate weekly wage-loss compensation.
- **If the employee has worked 11 months or more in the CCA position:** WLC is calculated in accordance with 5 USC 8114(d)(1) as follows: total pay earned by the employee during the one-year period prior to the date of injury (excluding overtime) divided by 52 weeks.

Branch contract enforcers should initiate grievance investigations for any CCA getting less than 40 hours of COP or WLC, including Article 17 information requests. Necessary documents will include the payroll journals for the year prior to injury, Form 50s, CA-7s, and the documentation the Postal Service used to determine their COP or provided to OWCP to determine WLC amounts.

Grievances should be filed whenever the Postal Service pays COP inconsistent with OWCP regulations detailed above, or when it provides incorrect or incomplete salary and work hour information to OWCP.