

Correcting CCA COP and wage-loss compensation errors



Assistant to the President for Workers' Compensation
Kevin Card

Getting injured on the job is no picnic. The complex procedures for filing a claim, getting it accepted and receiving treatment needed to return to work leaves many workers frustrated. The system is slow, tedious and often dispiriting.

Our newest NALC members, city carrier assistants (CCAs), may have the most difficulties in getting the right information to help with OWCP claims. The nature of on-the-job injuries often separates injured workers from the workplace.

So when a CCA gets injured, the only people they contact may be postal managers. Managers often have incomplete knowledge of basic OWCP procedures. This leaves injured workers, especially CCAs, vulnerable to errors in OWCP claim issues, particularly in the calculation of pay rates for compensable injuries.

When CCAs were first hired in 2013, OWCP issued a directive, FECA Bulletin 13-03, outlining the proper methods for calculating pay rates for continuation of pay (COP) and wage-loss compensation (WLC).

The Postal Service has legal and contractual responsibilities in many aspects of claim development. Postal Service officials are responsible for certifying the pay rate to OWCP. The NALC has discovered that the Postal Service often miscalculates CCA pay rates for both COP and WLC. In most cases, injured CCAs are receiving less than they should.

Shop stewards and branch officers can assist injured CCAs in correcting errors in pay rate calculations. The formula that OWCP requires the Postal Service to use to calculate COP is different from 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.

To calculate CCA COP, the Postal Service must add the total pay earned by the employee during the one-year period prior to the 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).

To investigate possible errors, injured workers need to request an electronic copy of their OWCP claim file from OWCP. The fastest way to get the file is to upload a request for the file using ECOMP. Instructions on requesting the claim file using ECOMP are found on the "Tools for managing your OWCP claim" section on the "Injured on the Job" page at nalc.org.

Once the claim file has been requested, it generally takes two to three weeks to arrive. The claim files often have cor-

respondence between the OWCP claims examiner and the postal district Health Resource Management (HRM) regarding pay rate calculations.

To verify whether the calculations are correct, you will need to gather the claimant's pay information for the year prior to the date of injury and the 45 days after the date of injury. CCA hours can be verified through a written request for payroll journals from the Postal Service, or getting the CCAs' pay stubs. CCAs can also access their pay records via liteblue.usps.gov.

Once you have the payroll records, calculations are made using the formula above. The average of weekly hours should be compared with the weekly COP hours being paid. If there is a discrepancy, grievance officers should file a grievance requesting the pay rate be properly calculated citing: Articles 17, 21.4 and 31, *ELM* 545 and *EL-505* 13-2.

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

- **If the employee has worked 11 months or more in the CCA position**—WLC is calculated 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.
- **If the employee has not worked 11 months or more in the CCA position**—WLC is calculated 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 as a CCA. 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.

For injured CCAs with less than 11 months of service, pay rates that were not calculated using the hours of a similarly situated CCA often have the greatest discrepancy. Incorrect pay rate calculations for wage-loss compensation should be grieved.

Claimants can also present the information and evidence directly to OWCP and request recalculation. Injured workers should contact their NALC national business agent's office for further help when needed.