

Protecting your rights under FECA



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Letter carrier jobs are unique in that most of our work occurs away from the office, out on the route. That's what I loved most about the work: the freedom to walk the route with no boss looking over your shoulder.

The freedom of the route also has hazards that most office workers do not have to contend with. Letter carriers have the highest injury rate of any federal workers, and most letter carrier injuries occur out on the route.

Letter carriers injured on the route rely on their supervisor or manager to respond to the injury and provide the correct information to get a claim initiated with the Office of Workers' Compensation Programs, OWCP. While most supervisors get some training in postal procedures for handling workplace injuries, few are experts. However, OWCP rules and procedures are incorporated into the *Employee and Labor Relations Manual*.

ELM 544.11 has specific instructions that postal supervisors must follow when responding to an injury report:

544.11 Immediate Supervisor Responsibility

When a notice of traumatic injury or occupational disease is filed, the immediate supervisor is responsible to do the following:

- a. Immediately ensuring that appropriate medical care is provided.
- b. Providing the employee a Form CA-1 or a Form CA-2.
- c. Completing the receipt attached to Form CA-1 or CA-2 and giving the receipt to the employee or the employee's representative.
- d. Investigating all reported job-related injuries and/or illnesses.
- e. Immediately notifying the control office or control point of an injury, disease, or illness.
- f. Prompt completion and forwarding of Form CA-1 or CA-2 to the control office or control point on the same day it is received from the employee.

If the injury is traumatic, *ELM* 544.112 requires the supervisor to do the following:

544.112 Traumatic Injuries

In case of a traumatic injury, the supervisor must advise the employee of the following:

- a. The right to select a physician of choice.
- b. If the injury is disabling, the right to either of the following:
 1. To elect COP for up to 45 calendar days.
 2. To use annual or sick leave.

Unfortunately, some supervisors do not fulfill these responsibilities, which can cause huge problems for the

injured worker. Violations of the *ELM* are grievable under Article 19 of the national contract and supervisors who fail to follow *ELM* procedures should be held accountable.

NALC has recently seen form letters with the Postal Service logo that have been given to injured workers in lieu of claim forms.

One letter lists the date, name of employee and office with the subject line "Letter of Declination."

The body of the form states:

The above-mentioned employee has advised me that he/she does not wish to file a CA-1, Federal Employee's Notice of Traumatic Injury, for the job related injury which occurred on _____. I have advised the employee that he/she has three (3) years from the date of injury to file a claim, if they choose to do so.

There are spaces on the bottom of the form for both the supervisor and injured employee to sign.

No employee should ever be given, much less sign, such a form!

The *ELM* also defines the penalty for not processing a claim:

542.33 Penalty for Refusal to Process Claim

Any employee or supervisor responsible for making reports in connection with an injury who willfully fails, neglects, or refuses to do so; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury may be subject to a fine of not more than \$500 or 1 year in prison, or both.

Injured workers are protected under the Federal Employees' Compensation Act (FECA), and violations of such workers' rights should not be tolerated. Please contact the Workers' Compensation department at NALC Headquarters if a postal supervisor or manager has given you a letter requesting that you decline your rights for a workplace injury.