

What's your pay rate?



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When a letter carrier files a claim for an on-the-job injury, specific procedures are set in motion requiring the Postal Service to comply with the Federal Employees' Compensation Act (FECA). Among the most important steps the Postal Service must take is verifying the injured letter carrier's pay rate. FECA defines three ways to calculate pay rates based upon the injured worker's pay on:

1. The date of injury,
2. The date the disability began,
3. The date of recurrence.

Pay rates may differ for Continuation of Pay (COP) and wage-loss compensation.

In a traumatic injury claim, the letter carrier can choose COP for the first 45 calendar days of disability.

For city carrier assistants (CCAs), the COP pay rate is based upon the injured CCA's total earnings including cost-of-living adjustments (COLAs) and premium pay (excluding overtime) divided by the number of weeks worked. CCAs with less than a full year's service often find their pay rates are less than 40 hours per week, even though they have worked a lot of overtime. That's normally due to the irregular training hours early in a career when the CCA works less than 40 hours in the first few weeks.

COP pay rates for part-time flexibles (PTFs) are calculated similar to CCAs except the calculated weekly pay rate is prorated for any partial weeks of eligibility: for each day, an amount equal to the weekly pay, less any regular pay received for the week, divided by the number of days that have not been worked.

Career letter carriers are paid their average annual earnings (minus overtime) if they worked substantially the whole year prior to the injury.

Once COP has been exhausted, injured workers must file a CA-7 claim for compensation. The first page of the CA-7 is completed by the employee; the second page, indicating the pay rate, is completed by the Postal Service. In most postal districts, pay rate calculations are finalized by injury compensation specialists working in the district Health Resource Management office.

Most injured workers have a pay rate based on the date of injury. If an injury, whether traumatic or occupational, causes a disability preventing the injured worker from working, even for a partial day, the pay rate will be based on the wages earned that day.

In a traumatic injury case, the date of injury is clear. For occupational disease claims where the injured worker remains exposed to the work factors claimed, the pay rate is the rate of pay effective the date of the last exposure to

causal employment factors.

If the injured worker no longer remains exposed to the work factors claimed and there has been a change in work duties, e.g., limited duty, then the date of last exposure is used.

For CCAs who did not work 11 months in the year immediately preceding the injury, and their appointment was one which would have afforded employment for 11 months, the average annual earnings would be a sum equal to the average annual earnings of a CCA working at least 11 months the immediately preceding year in the same or neighboring place.

There are cases where a letter carrier was injured as a CCA and has medical restrictions limiting the hours that can be worked. While the CCA is working a limited duty job, the CCA gets converted to a regular and gets pay raises every 46 weeks. At some point, the regular wages of the former CCA may exceed the wages used at the date of injury. In those cases, the Office of Workers' Compensation Program (OWCP) will determine what compensation the injured worker is entitled to.

The dates when "disability began" or "disability recurred" are the dates that the injured worker stopped work due to the injury, not the dates when pay stopped.

If the injured worker did not stop work on the date of injury (or immediately afterward, defined as the next day), and the disability began at a later date, the OWCP case record should show the pay rate for both the date of injury and the date disability began. The greater of the two will be used in computing compensation. If they are the same, the pay rate should be effective on the date disability began.

A recurrent pay rate applies only if the total or partial disability for work began more than six months after the first return to regular full-time employment (after the original disability) with the Postal Service. To be eligible for a recurrent pay rate, there need not be a "continuous" six months of full-time employment prior to the recurrence of disability.

Injured workers should pay close attention to the date used to determine their pay rate. If you think the pay rate is wrong, you can request OWCP investigate and correct it.