

Democrats deliver for injured carriers



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Since the pandemic began more than a year ago, nearly 14,000 letter carriers have tested positive for COVID-19. More than 500 letter carriers have filed claims for COVID-19 exposure in the workplace. In the early days of the pandemic, the Office of Workers' Compensation Programs (OWCP) developed guidelines for federal and postal employees who contracted COVID-19 at work.

Acknowledging that it is difficult to determine the precise moment and method of virus transmission,

federal workers who are required to have in-person and interactions in close proximity with the public on a frequent basis—such as members of law enforcement, first responders, and front-line medical and public health personnel—were considered to be in high-risk employment.

The high-risk designation gave those workers presumptive exposure to the virus, which meant they did not have to provide a medical report with a rationalized causal explanation linking the infection to a specific work event. Other essential workers, including letter carriers, were excluded from the high-risk designation.

NALC regional workers' compensation assistants (RWCA's) began reaching out to letter carriers with positive COVID-19 diagnoses to help file claims and develop necessary documentation. Due to the nature of the virus, claimants need a detailed work narrative explaining the close personal contact that occurs inside the office and out on the street.

Due to the challenges facing the medical community, letter carriers with COVID-19 diagnoses struggled to find doctors who would write medical reports linking the COVID-19 infection to the workplace.

Presumptive exposure quickly became a national issue, as essential workers in transportation, groceries and meat processing started having high rates of infection. Protections that should have been mandated by the Occupational Safety and Health Administration (OSHA) were weak and voluntary. For many workers, it appeared that the administration supported profits over people.

That is no longer the case.

The COVID-19 bill that President Biden signed on March 11 is set to deliver a lot of help to individuals, small businesses and communities recovering from the coronavirus pandemic. A section of the legislation directly benefits federal and postal employees who

were exposed to the virus.

Section 4106, Eligibility for Workers' Compensation Benefits for Federal Employees Diagnosed with COVID-19, legislates that:

A covered employee shall, with respect to any claim made by or on behalf of the covered employee for benefits under subchapter I of chapter 81 of title 5, United States Code (FECA), be deemed to have an injury proximately caused by exposure to the novel coronavirus arising out of the nature of the covered employee's employment.

Such covered employee, or a beneficiary of such an employee, shall be entitled to such benefits for such claim, including disability compensation, medical services, and survivor benefits.

The term "covered employee" is defined as a federal or postal employee:

- (i) who is an employee under section 8101(1) of title 5, United States Code, employed in the Federal service at anytime during the period beginning on January 27, 2020, and ending on January 27, 2023;
- (ii) who is diagnosed with COVID-19 during such period; and
- (iii) who, during a covered exposure period prior to such diagnosis, carries out duties that:
 - (I) require contact with patients, members of the public, or co-workers; or
 - (II) include a risk of exposure to the novel coronavirus.

"An injury proximately caused by exposure to the novel coronavirus arising out of the nature of the covered employee's employment" means that a letter carrier who files a claim based on a positive COVID-19 diagnosis no longer has to get a doctor to provide a medical report describing the causal relationship between their work and their COVID-19 infection. That's a big deal.

Claims for COVID-19 infections should be filed using Form CA-1, Claim for Traumatic Injury. To be successful in getting a claim accepted, letter carriers who file claims for COVID-19 contracted in the workplace need to write a detailed description of contact they have with co-workers and customers.

OWCP is developing procedures to comply with the new legislation. OWCP will be sending letters asking those with denied claims if they want to have the claim adjudicated in accordance with the new legislation.

If your claim was denied and you have questions, contact your national business agent's office for a referral to an RWCA.

The Biden bill also provides financial relief for federal agencies and the Postal Service outside of the normal charge-back process. That means that the Postal Service budget will not be affected by costs associated with wage-loss compensation and medical benefits.