

OWCP claims for COVID-19

Letter carriers who develop COVID-19 while in the performance of their duties are entitled to workers' compensation coverage pursuant to the Federal Employees' Compensation Act (FECA). Exposure to COVID-19 alone does not constitute a work-related injury entitling an employee to medical treatment under the FECA. The employee must actually be diagnosed with COVID-19 to potentially be afforded coverage.

However, in addition to letter carriers who have tested positive, letter carriers who are symptomatic for COVID-19, and have been working and have no history of family exposure should register and then file a CA-1 claim in ECOMP. You should also contact your installation and request a CA-16 Authorization for Examination and/or Treatment, which will pay for your first 60 days of medical bills. Letter carriers who are asymptomatic need not file a claim.

Given the nature of how quickly the coronavirus can develop, OWCP recommends registering in ECOMP as a good pre-emptive move for all letter carriers. You can register in ECOMP without filing a claim at <https://www.ecomp.dol.gov/#/>. Instructions on how to register in ECOMP can be found at: <https://www.nalc.org/workplace-issues/injured-on-the-job>.

OWCP will only pay for the COVID - 19 test upfront (prior to accepting a case), if a claimant was exposed to a person with a confirmed diagnosis of COVID-19 in the performance of duty. Otherwise, OWCP will pay for the test, if the case is accepted, through a reimbursement.

The Postal Service will be expected to provide OWCP with any information they have concerning the alleged exposure and to indicate whether they are supporting or controverting the claim. If the Postal Service supports the claim including that the exposure occurred and the CA-1 is filed within 30 days, you are eligible to receive Continuation of Pay for up to 45 days.

OWCP will then develop the claim and review evidence provided by you and the Postal Service concerning work-related exposure and a COVID-19 diagnosis.

Exposure to COVID-19 alone does not constitute a work-related injury. You must actually be diagnosed with COVID-19 to potentially be afforded coverage. To establish coverage, you must submit a medical report from a

qualified physician reflecting a positive test result for COVID-19 based on established work-related exposure to COVID-19.

Letter carriers claiming an injury due to contact with COVID-19 must be in the performance of duty when exposed to be covered. You have the same burden to establish the basic requirements of coverage as other injured workers and must submit medical evidence in support of an identifiable injury in the performance of your letter carrier duties, and any related period of disability.

OWCP requires letter carriers exposed to the COVID–19 virus provide a detailed statement that explains: How you were exposed to the virus; when the exposure occurred; how long and how frequently were you exposed; and where and why the exposure occurred.

You should also explain if other individuals and co-workers were exposed. You should provide a timeline of activities for the days leading up to your exposure or the onset of your symptoms. The Postal Service will be required to provide similar documentation, such as comments from a knowledgeable supervisor on the accuracy of your statements, whether the agency concurs, and if possible, confirmation of a positive COVID-19 test result for any co-workers or customers.

If exposure to COVID–19 arose out of, and in the course of your employment, it is generally said to have occurred in the performance of duty. The facts in your case must show that a work factor or requirement gave rise to the resulting COVID-19 diagnosis.

Letter carriers who work in an office where there has been a positive diagnosis for COVID -19 should request written acknowledgement from management. It is not necessary to name the infected worker, a letter documenting a positive diagnosis in the workplace should suffice.

In response to the coronavirus pandemic, OWCP released FECA Bulletin 20-05: Federal Employees Contracting COVID-19 in Performance of Duty. The bulletin gives a brief background of the Federal Employees Compensation Act and how the act applies to federal workers who contract COVID-19.

The bulletin singles out some federal employees as high-risk employees:

Federal employees who are required to have in-person and close proximity interactions with the public on a frequent basis.

The bulletin refers to members of law enforcement, first responders, and front-line medical and public health personnel as high risk, which triggers special coverage finding an implicit recognition of a higher likelihood of infection related to such federal employment.

The bulletin specifically states:

OWCP DFEC recognizes that certain kinds of employment routinely present situations that may lead to infection by contact with sneezes, droplet infection, bodily secretions, and surfaces on which the COVID-19 virus may reside. Conditions such as COVID-19 more commonly represent a work hazard in health care facilities, correctional institutions, and drug treatment centers, among others. The employment-related incidence of COVID-19 appears more likely to occur among members of law enforcement, first responders, and front-line medical and public health personnel, and among those whose employment causes them to come into direct and frequent in-person and close proximity contact with the public.

Employees identified as high-risk are afforded special coverage when it comes to proving exposure to COVID-19. OWCP will accept that the exposure to COVID-19 in high risk employment was proximately caused by the nature of the employment.

In other words, if your work causes you to come into direct and frequent in-person and close proximity contact with your co-workers or the public, you need not identify exactly where you were exposed to the virus.

While letter carriers are not specifically identified as high-risk employees, carrying mail often causes direct and frequent in-person and close proximity contact with the public. To qualify for special coverage under the FECA, letter carriers filing claims for COVID-19 will need to prove that their route constitutes high-risk exposure.

Letter carriers continue to carry mail because we are considered essential federal employees. The Centers for Disease Control and Prevention, CDC has developed guidelines for social distancing necessary to contain the spread of the virus. The CDC advises essential employees to avoid social

gatherings in groups of more than 10 people. The CDC also recommends individuals stay at least 6 feet away from others.

While postal facilities vary in size and density, letter carriers often come within six feet of other employees throughout the day. Close proximity contact with fellow postal employees in our installations is common; consider the beginning of every shift when we line up to clock in. In some offices postal management has designated specific break times that offer few alternatives for letter carriers to congregate outside of break rooms.

Just as no two routes are the same, our exposure to our customers may vary from route to route. Letter carrier's routes may include any combinations of walking, mounted and business deliveries. In some cities, letter carriers must commute to and from the route using subways or buses.

The everyday encounters, both in the office and on the street often follow a pattern of frequent contact with co-workers and customers. To qualify as a high-risk employee, letter carriers filing COVID-19 claims will need to document the frequency of close proximity contact with co-workers or the public throughout the day.

The Postal Service has widened its response to the pandemic. The service has entered into temporary agreements with the NALC, and a series of mandatory stand-ups have been issued pertaining to COVID-19.

In an effort to reduce the contact that is so common in the workplace, the NALC and the Postal Service signed a memorandum of understanding implementing temporary workplace changes to promote social distancing amongst city letter carriers. Social distancing within each installation may be different.

In describing your work duties, it is important to be mindful that OWCP claims examiners have little knowledge of the routine movements a city letter carrier makes every day. You will need to educate your claims examiner by thoroughly explaining the day-to-day duties of your work. Your claims examiner will need to know the specific points of contact with co-workers and customers that occur each day.

Fortunately, postal service innovations like GPS tracking and scanning provide a data rich environment that can document the path and points of close proximity contact carriers experience every day. Office flow charts and route maps document evidence of daily travel.

To prove that you have been exposed to someone in public who is positive for COVID-19 while delivering mail, you should submit Postal Service data including work schedules, TACS reports, RIMS and scan records that can place you in a specific place and time.

If you can identify where the exposure occurred, you should request written verification from the customer or business you had contact where a positive COVID-19 case has been documented.

You will also need a medical report from a qualified physician reflecting that the positive COVID-19 diagnosis resulted from a work-related exposure while in the performance of your duties. You must explain the nature of your work exposure to your physician and make sure it is referenced in a medical report.

For your health and safety as well as the health of those around you, consider an appointment with your physician by videoconference or teleconference. OWCP will accept a telehealth medical report as long as it is signed by a physician. Proving that a letter carrier's work constitutes high risk employment will require detailed documentation of the carrier's work day corroborated by a doctor's medical report.

Due to the nature of COVID-19 research, CDC guidelines change and expand as scientists uncover new evidence on exposure and the lifecycle of the virus.

Letter carriers filing claims for COVID-19 should make every effort to reach out to branch officers or their national business agent's office for assistance with a COVID-19 claim.