

# Postal Accountability and Enhancement Act TITLE IX – Compensation for Work Injuries

## Traumatic Injury Claims (CA-1) Continuation of Pay (COP) – 3 Day Waiting Period

### General

- The employee must elect COP on the front of Form CA-1 (Item 15) or request previously elected AL or SL be changed to COP for the 3 Day Waiting Period to apply.
- Employee must be given an opportunity to elect AL, SL, or LWOP/IOD for waiting period days which are the first 3 days of work disability. A non-election of leave or LWOP/IOD by the employee should be recorded as LWOP/IOD.
- There are no changes in determining the COP eligibility period.
- Waiting days (first 3 days of work disability) count toward the COP 45 calendar day entitlement.
- If an injured employee is not entitled to COP or the 3 day waiting period was not met during the COP eligibility period, a 3 day waiting period will be applied by OWCP for receipt of loss of wage compensation.
  - For example: if the employee does not file a Form CA-1 within 30 days from the DOI, or initial time loss for medical treatment or work disability does not occur within 45 days from the DOI, the employee is not entitled to COP. The 3 day waiting period will be applied by OWCP on a claim for loss of wage compensation.

### 3 Day Waiting Period

- The first 3 days of work disability (full or partial workshift) are used to establish the 3 day waiting period
  - Example: employee is disabled from work due to the injury or medical condition by the treating physician for any part of a workshift.
- Days of work disability do not have to be consecutive to count toward the 3 day waiting period.
- A day of time loss for medical treatment only – does not count as a waiting period day
- Days of time loss for medical treatment only – do not count as a day of work disability
- Non-scheduled days and holidays that fall within a period of work disability count toward the 3 day waiting period.

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### 14 Days of Work Disability

- Only days of work disability count toward the 14 days.
- Days of time loss for medical treatment only – do not count toward the 14 day total.
- Non-scheduled days and holidays that fall within a period of work disability count toward the 14 days of disability total.
- Days of work disability do not have to be consecutive to count toward the 14 days of disability.
- If the work disability exceeds a total of 14 days, the AL, SL, or LWOP/IOD elected by the employee for the 3 waiting days must be changed to COP. The following actions must be taken:
  - Injury Compensation notifies the employee's supervisor to process a pay adjustment to change any leave used to COP and to reinstate any leave used for the 3 waiting days.
- If there is both medical treatment and work disability during a single workshift:
  - the day will count as a waiting day, if the day is one of the first 3 days of work disability (employee elects leave or LWOP/IOD);
  - the day counts toward the 14 days of work disability total

### Day(s) of Medical Treatment Only - No Work Disability

- Time loss for medical treatment only – IC must authorize and charge this time to COP. (no work disability)
- Days of time loss for medical treatment only – do not count as a waiting day.
- Time loss for medical treatment only – does not count toward the 14 days of disability total.

### Work not Provided

- If an employee has been cleared by their treating physician to return to work but work is not provided by the Postal Service, the first 3 days of work loss count as work disability and count toward the 3 day waiting period for COP
  - the employee must be given an opportunity to elect AL, SL, or LWOP/IOD for waiting period days which are the first 3 days of work disability.

### Tracking

Continue to track days charged against the 45 calendar day entitlement utilizing the COP-IOD LWOP/SL-AL tracking sheet provide in the IC Course or similar tracking document. You will need to identify the first 3 days of work disability as waiting days for tracking purposes and identify when work disability days exceed 14.