

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Article 34

Employee Disability Compensation (OWCP)

Section 1-Counseling

A. The Employer agrees that when an employee suffers job-related illness or injury in the performance of duties and reports it to his or her supervisor, the supervisor and/or the personnel office will counsel the affected employee **no later than the next work day** as to the following:

1. His/her right to file for compensation benefits;
2. The types of benefits available; and
3. The procedure for filing claims.
4. The option to use compensation benefits in lieu of sick or annual leave.
5. Whether Continuation of Pay (COP) is applicable.
- 6. Instructions to access forms required to file for these benefits.**
- 7. Right to Union representation.**
- 8 Right to apply for Voluntary Leave Transfer Program and Leave bank.**
- 9. The effect of leave without pay (LWOP) on health insurance benefits.**
- 10. The employee's appeal rights.**

18 **11. Instructions to access their claim via the Internet to check claim status**
19 **through the Department of Labor.**

20 **12. The right to file for disability/retirement under SSA, FERS or CSRS.**

21 **13. A full explanation of the leave buy back.**

22 B. The supervisor will notify the local Union steward when he or she becomes aware
23 that a bargaining unit employee has filed an OWCP claim.

24 C. An employee who has filed for compensation benefits will be counseled, upon
25 request, by his/her supervisor and/or a personnel specialist at any stage in the
26 processing of the case concerning such options as may be available to the employee at
27 that point.

28

29 **Section 2--Employee Options**

30 A. An employee with a job-related injury/illness (including conditions aggravated by job-
31 related factors) may elect to be placed on sick or annual leave instead of leave without
32 pay, pending approval or disapproval of his/her compensation claim.

33 B. Employees shall have the option of buying back the leave used and having it
34 reinstated to their account if their claim for compensation is approved.

35 C. An employee with a job related traumatic injury may claim up to 45 days of
36 continuation of pay (COP). The entitlement to COP is not available to employees who

37 file an occupational disease claim. **Employees will be reminded by the 30th day of**
38 **COP to file a CA-7 to convert from COP to W/C payments.**

39

40 **Section 3--Placement of OWCP Claimants**

41 A. Where the employee requests and supports his/her request with appropriate medical
42 information, the Employer will make a serious effort to assign the employee on a
43 temporary basis to duties consistent with the employee's medical needs, pending
44 resolution of his/her claim.

45 B. Where the employee requests and supports his/her request with an approved OWCP
46 claim and appropriate medical information, the Employer will make a serious effort to
47 assign the employee to duties consistent with the employee's medical needs. Any such
48 action will be consistent with the negotiated merit promotion article.

49 C. When an employee who has been determined by OWCP to be disabled has
50 recovered sufficiently that he or she is required or permitted to seek reemployment,
51 management will make a serious effort to offer appropriate employment **at the same**
52 **grade as when the employee left the Agency due to this injury/illness.**

53

54 **Section 4. Maintenance of Forms**

55 Information on how to file for Worker's Compensation and the appropriate forms will be
56 maintained on SSA's Intranet on the Employee Information Server. Information posted
57 on the Intranet will also include mutually agreed upon excerpts from DOL Regulation or
58 Handbooks.

59

60 **Section 5. Excused Time Off**

61

62 **A. The Agency will excuse employees for a reasonable amount of time to:**

- 63 **1. Complete paperwork needed to file a claim for Workers'**
64 **Compensation and to provide information needed by OWCP.**
- 65 **2. Check on the status of their claim, authorization for medical**
66 **procedures and payment of bills.**
- 67 **3. Seek advice regarding Worker's Compensation from OWCP, the**
68 **personnel office, and/or the Union.**
- 69 **4. Appeal the denial or termination of benefits.**
- 70 **5. All other Workers' Compensation claims' related activity.**

71

72 **B. The employee has the right to submit witness statements in support of a**
73 **claim for Workers' Compensation in the case of an occupational accident**
74 **or occupational disease.**

75

76 **C. Upon request, the Agency will assist an employee in completing their paper**
77 **work on either a Workers' Compensation claim or appeal.**

78

79 **Section 6. Timeliness**

80

81 **Managers will file claims timely.**

82

83 **Section 7. Policy**

84

85 **A. Employees filing worker's compensation appeals, up to and including**
86 **hearings requiring a personal appearance by the employee will be granted**
87 **administrative time to attend such meetings.**

88 **B. AFGE representatives will be permitted to represent bargaining unit**
89 **employees in worker's compensation appeals.**

90

91 **Section 7. Return to Work**

92

93 **An employee who is absent from his/her job for more than 5 work days as a**
94 **result of a worker's compensation claim, will meet with their manager, worker's**
95 **compensation nurse (physician) if applicable, and the designated AFGE rep to**
96 **discuss return to work situations including but not limited to reasonable**
97 **accommodations and absences for therapeutic treatment.**

98

99 **Section 8. Record Keeping**

100

101 **A. All OSHA recordable injuries/illnesses will be logged, at each installation,**
102 **in the Agency Illness/Injury Log required by OSHA. The requisite SSA-516**
103 **will also be completed in all Workers' Compensation claims.**

104

105 **B. Management will meet with the designated union representative when an**
106 **accident occurs.**

107

108 **Section 9. Training**

109

110 **The Agency will provide annual training to all employees regarding their rights**
111 **under OWCP.**

112

113 **Section 10. Maintenance of Healthy and Safe Work Site**

114

115 **A. If either the Union or the Agency discover a pattern of occupational**
116 **illnesses or accidents in either a particular location or Nationwide, such**
117 **information shall be referred to the appropriate Health and Safety**
118 **Committee for investigation and abatement.**

119 **B. SSA OWCP and incident report data will be analyzed and compared to**
120 **other Federal agencies, other non-Federal governmental entities and**
121 **similar private business entities. Such analysis will be accomplished by**
122 **the AFGE SSA National Health and Safety Committee. If SSA's record of**

123 **illness and injuries exceeds the compared entities, the AFGE SSA national**
124 **Health and Safety Committee will consider appropriate abatement.**