



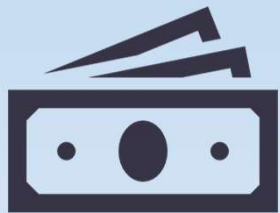
CA-7 & LEAVE BUY
BACK
Part 1

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FORM CA-7, CLAIM FOR COMPENSATION

- Leave Without Pay
- Leave Buy Back
- Other wage loss
 - Premium Pay
 - ✓ Night/Shift Differential
 - ✓ Saturday/Sunday
 - Change to Lower Grade
- Schedule Award

LEAVE CLAIMS



Leave Without Pay (LWOP)

Compensation paid directly to the employee



Leave Buy Back (LBB)

Compensation paid to the agency

Employee may be required to repay monies to the agency

Time and Leave records change to LWOP

FORMS REQUIRED

LEAVE WITHOUT PAY

✓ CA-7

✓ CA-7a if intermittent

* The period covered on CA-7 and CA-7a should be the same

LEAVE BUY BACK

✓ CA-7a

✓ CA-7b

✓ CA-7 if electing to repurchase leave

* The period covered on the CA-7a, CA-7b and CA-7 should be the same

COMPENSATION CLAIMS

- An employee may claim compensation for leave without pay or sick and/or annual leave used to cover all or part of an absence(s) due to injury following the period of entitlement to continuation of pay (COP)
 - Employee should take into consideration any agency limitations for requesting a leave buy back when requesting to use sick and/or annual leave
- May claim compensation for all absences when not entitled to COP



DID YOU KNOW?

If an employee is receiving Continuation of Pay (COP) and disability is anticipated to extend beyond the period of entitlement, the employer should notify the claimant by the 30th day of the COP period to submit Form CA-7

WAITING DAYS

- An employee is not entitled to compensation for the first 3 days of disability unless the disability exceeds 14 days (5 U.S.C. 8117)
 - Non-workdays and holidays count towards the 14 days
 - Does not need to be consecutive
 - Disability during period of COP does not count
- Waiting days are not applied where lost time was solely due to the employee's absence for medical treatment as lost time for medical appointments is not considered disability

WAITING DAYS

- Waiting days are counted differently for Postal Service employees
- Starts at the beginning of the period of disability regardless of the type of injury
 - Waiting days are applied to COP eligibility

RATE OF COMPENSATION

- 66 2/3% without dependents
- 75% with dependents

Who qualifies as a “dependent”?

DEPENDENT

Defined in 5 U.S.C. 8110

- Wife/Husband
- Unmarried Child
 - While living with employee; and
 - Under 18 years of age; or
 - Over 18 and incapable of self-support
- Parent, wholly dependent on and supported by employee



POP QUIZ

Can a claimant's 20-year-old child attending college be considered a dependent?

ANSWER

- Compensation for an unmarried child that would otherwise end because the child reached the age of 18 shall continue if he/she is a student
- Student: An individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training (5 USC 8101)
- Benefits may be paid for 4 years or until the child reaches age 23, whichever comes first

MINIMUM/MAXIMUM PAY RATES

- Minimum Pay Rate
 - 75% of the basic pay of a GS-2, Step 1
 - Does not include locality pay
- Maximum Pay Rate
 - Cannot exceed 75% of the basic pay of a GS-15, Step 10
 - Does not include locality pay

QUESTION

Is there any circumstance in which a claimant would receive compensation for lost time at the rate of 100% of their gross wages?



ANSWER

Yes. If the OWCP directs a claimant who is working to undergo a second opinion or referee medical examination, reimbursement for wage loss should be paid at 100% of gross wages (5 U.S.C. 8123)

PAY RATE

- The date used to determine the pay rate is based on:
 - Date of Injury (DOI)
 - In many cases, disability begins on the DOI or the following day. In such cases the effective pay rate date is the DOI.
 - Date Disability Begins (DDB)
 - If the disability does not begin immediately after the DOI the effective pay rate date is the DDB.
 - Date of Recurrence (DOR)
 - A recurrent pay rate only applies if the disability began more than 6 months after the employee resumed full-time employment.

WEEKLY PAY RATE

- OWCP will establish a weekly pay rate
- The weekly pay rate includes regular pay (base + locality) PLUS applicable additional elements of pay earned each week, to include but not limited to:
 - Night Differential
 - Shift Differential
 - Saturday/Sunday Premium Pay
 - Holiday Pay
- Overtime is NOT included

WEEKLY PAY RATE

- Established weekly pay rate does not change when an employee received a pay increase due to a within grade increase or cost of living pay adjustment
- The weekly pay rate is only adjusted if claimant is entitled to a recurrent pay rate



CLAIM FOR LEAVE WITHOUT PAY (LWOP)



- Employee Portion of CA7 completed
 - ✓ Recommend submission at the end of each pay period
 - ✓ Include CA-7a if absences are intermittent
- Employing Agency Portion of CA-7 completed
 - ✓ Verify LWOP status
- Transmit form(s) to OWCP no more than 5 working days after receipt
- OWCP decision rendered
 - ✓ Payment is issued directly to employee

POP QUIZ

Can an employee file a CA-7 for periods greater than 2 weeks or are they required to submit the CA-7 at the end of each pay period?

ANSWER

Yes – An employee has the option to submit a claim for compensation in larger increments than every two weeks

CA-7 EMPLOYEE PORTION

- Review claim form to ensure it has been completed in its entirety
 - All fields must be completed on an initial CA-7
 - Section 5 through 6 is not required to be completed for a subsequent claim unless there has been a change in the data provided on the initial claim form
 - Provide employee SF-1199A, Direct Deposit Sign-up form

Q&A

Q. If the claimant knows their account & routing number for direct deposit, are they still required to take the Direct Deposit Sign-Up Form to their financial institution?



A. Claims Examiners have returned the direct deposit forms because they were not signed by the financial institution.

MEDICAL APPOINTMENTS



- An employee may be compensated for lost time to seek medical treatment
- Includes a reasonable time spent traveling to and from the provider's location
 - Maximum of 4 hours may be allowed for routine medical appointments
 - Longer periods of time may be allowed when required by the nature of the medical procedure and/or the need to travel a substantial distance
- Evidence should establish the employee attended an examination or received medical treatment

Intermittent Absences

- Employee completes CA-7a delineating the dates and hours of LWOP hours claimed
- Account for all hours of work shift
- Provide reason for LWOP used
- Multiple CA-7a's may be required
 - Provide column total on each page
 - Items 1-5 should be the same for multiple pages
 - Item 4 is from first date claimed to last date claimed
 - Item 5 is grand total of LWOP hours claimed

CA-7a TIME
ANALYSIS
FORM

CA-7 EMPLOYING AGENCY PORTION

Provide pay rate for date of injury and date stopped work on either an annual, hourly, or weekly basis

- Calculating weekly pay for a full-time employee:
 - Annual salary divided by 52
 - Regular Federal Employees: Hourly rate multiplied by 2087 divided by 52
 - Title 38 & Postal Employees: Hourly rate multiplied by 2080 divided by 52
- Calculating weekly pay for a part-time employee:
 - Hourly rate times number of hours regularly worked

** Methods of calculation may vary for some Postal employees (e.g. Rural Carriers or part-time flexible employees)*

CA-7 EMPLOYING AGENCY PORTION

Reporting Additional Elements of Pay

- If the employee works a regular work schedule, provide the amount the employee earns on either an annual, hourly, or weekly basis
- If irregular schedule, provide the amount earned 1 year prior
 - Divide by 52 for weekly average

CA-7 EMPLOYING AGENCY PORTION

Additional information required to complete the Employing Agency Portion of the CA-7

- Employee's work schedule
- Health insurance, life insurance, and retirements benefits in which they are enrolled
- Dates of continuation of pay (COP) received
 - The CE may request a CA-7a or leave summary for intermittent COP
- Return to work status

POP QUIZ

What step can be taken to minimize the time required to gather the pay rate information required to complete the agency portion of the CA-7 in order to ensure timely submission to OWCP?

GET IT IN ADVANCE!

Request pay rate information from Payroll on the 30th day of the COP period when you are notifying the employee to submit a CA-7.

You will have the information readily available upon receipt of the CA-7 from the employee

FORMS
RETURNED
TO AGENCY

Agency portion of CA-7
not submitted or is
incomplete

CA-7s will be returned if:

Received directly
from the claimant

Schedule Award
is initial CA-7

EVIDENCE REQUIRED

- The employee is responsible for submitting, or arranging for the submittal of, medical evidence to OWCP which establishes both that disability continues, and that the disability is due to the work-related injury
 - *Note: Employing agency is obligated to provide medical records when the employee is treated at the agency*
- If not available when the CA-7 is received, the claims examiner will send a letter to the employee requesting supporting evidence. Do not hold up the submission of the paperwork waiting for the employee to provide medical

OWCP DECISION

- If medical evidence supports entitlement for all hours claimed, the claims examiner will certify payment payable to employee
- If all hours claimed are not payable due to lack of documentation, payment may be issued for the portion in which entitlement is supported or the claims examiner may request the employee resubmit corrected form(s)
- A formal decision is sent to the employee explaining which dates/hours were not payable. OWCP may provide the employee an opportunity to provide additional evidence to support those dates/hours not payable

DOCUMENTING LWOP

Form SF-52, Request for Personnel Action, is required to record LWOP in excess of 80 continuous hours as OWCP-related

Form SF-50, Notification of Personnel Action, documents the action was completed

Recording the LWOP as OWCP-related is essential to ensure the LWOP hours are counted as creditable service

LEAVE BUY BACK (LBB) CLAIMS

- When an employee uses their sick and/or annual leave to cover injury-related absence(s), they may elect to claim compensation and “buy back” the leave used
- Before leave can be reinstated, the employee must refund the agency the difference between the compensation payment and the total amount paid by the agency
- Employee’s pay status must be changed to LWOP

LIMITATIONS

LEAVE BUY BACK

- May not repurchase leave taken during period of COP eligibility
- May not repurchase donated leave

LEAVE BUY BACK (LBB) CLAIMS

- OWCP does not govern whether a claimant may repurchase leave from an agency
- Participation in the leave buy back process is at the discretion of the agency
- Any decision by the agency to disallow a leave buy back is not a formal decision over which the ECAB may exercise jurisdiction
 - K. J., Docket 11-571 (January 25, 2012)
 - Aberline Smith, Docket 96-1699 (June 4, 1988)

EMPLOYEE INITIATES LEAVE BUY BACK



- Employee completes Form CA-7a, Time Analysis Form
 - ✓ List each day, number of hours, type of leave, and reason for leave use
 - ✓ Account for all hours of work shift
 - ✓ May make two entries for same date if not claiming all hours used
 - ✓ Multiple CA-7a's may be required
 - ✓ Provide totals in section 6 for each page
 - ✓ Period covered and total hours claimed should be the same on all pages if multiple forms are used
- Employing agency official certifies leave used is accurate

LEAVE BUY BACK (LBB) WORKSHEET/ CERTIFICATION AND ELECTION

Agency complete Form CA-7b, Leave Buy Back (LBB) Worksheet/Certification and Election

- Period claimed to repurchase leave should be the same as the period covered on Form CA-7a
- Determine the agency estimate of FECA entitlement by completing the formula
- Agency certifies the estimated balance due from employee
- Obtain an employee election to repurchase or not to repurchase the leave

EMPLOYEE COUNSEL & ELECTION

- Meet with employee to discuss:
 - Estimated monies due to the agency before leave can be re-credited
 - Leave accrual reductions
 - Reduced retirement & TSP contributions
 - Potential forfeiture of use/lose leave
 - Requirement to file amended tax return
- Employee makes an election on the CA-7b, Section III, to repurchase or not repurchase the leave used:
 - Not purchasing: Stop - Do not submit to OWCP
 - Retain forms CA-7a and CA-7b in the case file
 - Elects to repurchase: Request employee complete CA-7

POP QUIZ

Can the employee later change their election and pursue the LBB?

ANSWER

Yes. The employee may elect to proceed with the LBB later.

May need to consider any local policy which may contain time limitations for submitting a leave buy back.

SUBMIT FORMS TO OWCP

- Submit CA-7, CA-7a, and CA-7b to OWCP within 5 workdays of receipt completed CA-7
- Evidence Required
 - The employee is responsible for submitting medical evidence to support disability
 - The claims examiner will send a letter to the employee requesting supporting evidence if not available
 - Do not hold up the submission of the paperwork waiting for the employee to provide medical
- OWCP decision rendered



QUESTION

Can an employee submit a request to buy back leave after being removed from the agency rolls?

ANSWER

OWCP would process the claim if received

- The decision to allow the leave buy back rests with the agency
- Check for an agency policy placing any limitations on requests leave buy back
- Agency may not allow as it would require a manual/offline correction of the record



Q&A

- Q. What if the employee separates from employment AFTER a leave buy back has been submitted to OWCP?
- A. Allowing the leave buy back to continue would require a manual/offline correction of the record. Since approval to allow a leave buy back is at the agency's discretion, it would be up to the agency to continue to process the leave buy back or disapprove it. If disapproved, any monies received from OWCP would have to be returned.

OWCP DECISION

- If medical evidence supports entitlement for all hours claimed, the claims examiner will certify payment payable to agency
- If all hours claimed are not payable due to lack of documentation, payment may be issued for the portion in which entitlement is supported or the claims examiner may request the employee resubmit corrected form(s)
- A formal decision is sent to the employee explaining which dates/hours were not payable. OWCP may provide the employee an opportunity to provide additional evidence to support those dates/hours not payable

OWCP DECISION

- If the amount of compensation payable is NOT within 10% of the agency estimate, OWCP may send a letter to the employee stating the amount of compensation payable and requests the employee indicate acceptance or declination of the amount of compensation offered for the leave buy back
- Upon receipt of acceptance, OWCP will issue payment to the agency



Q&A

How are we notified that OWCP paid the agency?

A letter from OWCP is sent to the claimant and agency advising the LBB has been approved, hours payable, and amount to be paid to the agency

APPROVED LEAVE BUY BACK

All monies due must be paid before the sick and/or annual leave hours are re-credited to the employee's leave account

For any periods approved for leave buy back, the employee's pay status must be changed to leave without pay (LWOP)

CORRECTING THE RECORD

- Form SF-52, Request for Personnel Action, is required to record LWOP and return to duty for continuous periods of LWOP in excess of 80 hours as OWCP-related
- Form SF-50, Notification of Personnel Action, documents the action was completed
- Recording the LWOP as OWCP-related is essential to ensure the LWOP hours are counted as creditable service



POP QUIZ

Can an employee stop the LBB process after the request has been submitted to OWCP?

ANSWER

Yes. An employee may elect to stop the LBB process after submitting a LBB request to OWCP by providing the local Workers' Compensation Office a written request to stop the LBB process.

Workers' Compensation staff must:

- Notify the Payroll Office to return any payments received to OWCP
- Notify OWCP that the injured worker cancelled the LBB process
- Retain the written request in the case file

OTHER WAGE LOSS

- Entitled to receive compensation for loss of premium pay when provided an assignment or permanent placement resulting in a change in their regular work schedule
 - Actual earning if regular work schedule
 - Average earning during one-year prior if irregular work schedule
- Entitled to receive compensation for loss wages when permanent placement results in a change to a lower grade
 - Results in a formal Loss of Wage-Earning Capacity (LWEC) decision

SCHEDULE AWARD

If an accepted work-related injury results in permanent impairment to a member or function of the body, the claimant is entitled to a schedule award

- Duration of compensation payments determine by impaired body part
- Employee may request a lump-sum payment

Questions ?

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