

## **OWCP Claims for COVID-19**

APWU bargaining unit employees who contract COVID-19 at work are entitled to workers' compensation under the Federal Employees' Compensation Act (FECA). This letter will give you basic information on filing a workers' compensation claim when you contract COVID-19 at work.

In response to the coronavirus pandemic, OWCP released FECA Bulletin 20-05 *Federal Employees Contracting COVID-19 in Performance of Duty*.

<https://www.dol.gov/owcp/dfec/regs/compliance/DFECfolio/FECABulletins/FY2020-2024.htm#FECAB2005>.

The bulletin identifies certain federal employees as high-risk employees because they come into direct and frequent in-person and close proximity contact with the public:

- Federal employees who are required to have in-person and close proximity interactions with the public on a frequent basis.
- members of law enforcement
- first responders
- front-line medical and public health personnel

Being designated as high risk triggers an implicit assumption of COVID-19 infection related to the job. OWCP will accept that the exposure to COVID-19 in high risk employment was proximately caused by the nature of the employment. Postal workers are not automatically deemed as high risk. While postal employees are not specifically identified as high-risk employees, our work can involve direct and frequent in-person and close proximity contact with the public.

To qualify for coverage under the FECA, USPS employees filing claims for COVID-19 will need to prove that their postal work caused them to contract COVID-19. Demonstrating a high-risk of exposure supports such a claim.

Everyday encounters in the back-office operations and at the retail windows often involve frequent, sustained, close contact with co-workers and customers. To demonstrate qualities of a high-risk employee, postal workers filing COVID-19 claims should document the frequency and duration of close proximity contact with co-workers or the public throughout the day.

Within postal facilities, postal workers often work within six feet of other employees throughout the day. Other types of close proximity contact with fellow postal employees is also common; consider the beginning of every shift when we line up to clock in. With customers, work may include retrieving mail for customers, providing retail experiences at the counter, face-to-face encountering if delivering express mail, and contact with outside workers in places like the loading docks, Bulk Mail Entry Units, and Detached Mail Units. Our work can also involve working in spaces where social distancing is not possible. Detailing these specific interactions is critical, especially given the differences in how Postal policy on social distancing is experienced by postal workers.

USPS employees who have tested positive or who are symptomatic for COVID-19 and have been working and have no history of family exposure should 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. 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.

Simply being exposed to COVID-19 is not a work-related injury that will entitle an employee to coverage by FECA. The employee must be diagnosed with COVID-19 by a medical professional to potentially be eligible for workers compensation coverage. Unless they have tested positive, USPS employees who are asymptomatic do not need to file a claim.

OWCP recommends registering in ECOMP as soon as possible, even if you are not ready to file a claim. You can register without filing a claim at <https://www.ecomp.dol.gov/#/register>. You will need to provide your social security number and an email address (personal, not postal). When you register, select the agency (United States Postal Service), your area, and your "Performance Cluster" (District). If you need help obtaining the registration information, contact your local union. Finally, you will be required to verify your email address and set up security questions.

The Postal Service provides OWCP with information concerning the alleged exposure and indicates whether it is supporting or controverting the claim. If the Postal Service preliminarily supports the claim and the CA-1 was filed within 30 days of the alleged exposure, you are eligible to receive Continuation of Pay (COP) for up to 45 days. NOTE: If your claim is ultimately denied, you will be required to use your leave (annual or sick) to cover the length of the COP or reimburse the USPS for the value of the COP.

After initial acceptance or denial, OWCP reviews the evidence provided by you and the Postal Service concerning work-related exposure and a COVID-19 diagnosis. USPS employees must have been in the performance of duty when they were exposed to COVID-19 to be covered. 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. 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 postal duties, and any related period of disability. You must submit a medical report from a qualified physician verifying a positive test result for COVID-19 and connecting the test result to work-related exposure.

OWCP requires employees to provide a written 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. If you work in an office where there has been a positive diagnosis for COVID -19, you should request written acknowledgement from management. It is not necessary for the letter to name the infected worker, but it is helpful to have confirmation of other positive diagnoses in the workplace. You should also explain if other

individuals and co-workers were exposed who subsequently tested positive. You should provide a timeline of activities for the days leading up to your exposure or the onset of your symptoms. The Postal Service is required to provide similar documentation, including verification from a supervisor about the accuracy of your statements, whether the Postal Service concurs with the claim and allegations, and confirmation of positive COVID-19 test results for any co-workers or customers similarly exposed.

In describing your work duties, remember that OWCP claims examiners have little knowledge of the routine movements a USPS employee 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 (for those who drive) and scanning logs provide a data that can help document the path and points of close proximity contact postal workers experience every day. Office flow charts, standard operating procedures (SOPs), copies of work instructions, and copies of employee schedules can help document the evidence of the various daily interactions you may have had.

To prove that you have been exposed to someone in the public or workplace who is positive for COVID-19 while performing your postal duties, 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 Postal Service verifying the customer or business you had contact with and who had a documented positive COVID-19 test result. .

You will also need a medical report from a qualified physician stating 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. The report should leave as little doubt as possible that the exposure occurred at work.

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 if it is signed by a physician. Proving that a USPS employee's work constitutes high risk employment will require detailed documentation of the employee's workday corroborated by a doctor's medical report.