

Earlier in the pandemic, the APWU released information on how employees can file claims with OWCP for COVID-19 illnesses. This document is a reiteration and update of the information previously provided. **This is for informational purposes only**; it is not legal advice nor is it a directive/mandate for employees to file OWCP claims or for the Union to assist in OWCP claims.

With COVID-19 still raging in the United States, thousands of postal employees have been diagnosed or quarantined due to COVID-19 related illness. This information is being provided to help bargaining unit members file an OWCP claim should they decide to do so. For an employee who actually contracted COVID-19 and was regularly working at the time, it may be in his or her's best interest to file a claim to help cover leave in the short term and possibly assist with unknown but possible long-term effects of COVID-19. Employees who have COVID-19 claims accepted by OWCP are entitled to all the medical benefits and compensation allowed under the law.

Since the release of bulletin 20-05, FECA released a new bulletin on COVID-19 claims and how to process them. The information in that bulletin is linked below. Anyone filing a claim should review the guidance from FECA carefully to educate themselves on what is required to get a COVID-19 claim approved.

Employees who file OWCP claims ***could be*** eligible for Continuation of Pay (COP) for the immediate 45-days after diagnosis/becoming aware that the employee has COVID-19 that they contracted at work. However, in order to claim COP, the claim must be filed within 30-days of a diagnosis/becoming aware the employee has COVID-19.

OWCP Claims for COVID-19

APWU bargaining unit employees who contract COVID-19 at work may be 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 and its impact on federal and postal employees, OWCP released FECA Bulletin 20-05 *Federal Employees Contracting COVID-19 in Performance of Duty*:

<https://apwu.org/contracts/feca-bulletin-no-20-05>

In addition, OWCP released FECA Bulletin 21-01 *Special Case Handling in COVID-19 FECA Claims Processing and Adjudication*:

<https://apwu.org/contracts/feca-bulletin-no-21-01>

Bulletin 20-05 identifies certain types of federal employees as high-risk employees because they come into direct and frequent in-person and close proximity contact with the public. These include:

- members of law enforcement
- first responders
- front-line medical and public health personnel

- other employees who have frequent close contact with the public

OWCP claims from employees meeting these criteria are given special handling so that the burden is not on the employee to identify the exact day or time the contracted COVID-19.

Bulletin 21-01 goes into further detail on how OWCP will determine if a claimant is in a high-risk employment category. It also offers other adjudication information and other information related to COVID-19 claims.

Being designated as high risk triggers an assumption in the processing of an OWCP claim 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, some postal jobs involve direct and frequent in-person and close proximity contact with the public. Bulletin 21-01 can help a claimant and the claims examiner determine if a particular postal worker should be deemed a high-risk employee. It also provides information on how a claimant can help develop their claim to support the high-risk employee determination.

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 the 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 for COVID-19 and were working in the 14 days prior to the test or the first signs of symptoms and have no history of exposure outside of work can 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 retroactively pay for your first 60 days of medical bills for an accepted case. 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 at work or showing COVID-19 symptoms without a positive test 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 should not 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 or your supervisor. 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 will be eligible to receive Continuation of Pay (COP) for up to 45 days for time you must be off work because of quarantine or for medical care. 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 your 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. Unless FECA determines you are a high-risk employee as described above, 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 you were 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 your 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 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. You also should provide a positive COVID-19 test laboratory report. Antibody tests are not accepted as proof of COVID-19 diagnosis. Other supporting documentation is needed to confirm when you actually were sick with COVID-19. It is in your best interest to submit one of the other types of COVID-19 test results.

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.

In the unfortunate event that a postal employee passes away and the cause of death is COVID-19 or COVID-19 related, the family can apply for benefits under OWCP/FECA on behalf of the descendant. Benefits could include an annuity for current spouse and dependent children and nominal burial benefits. The family or their designee has the burden of establishing the essential elements of the claim, which includes the existence of a causal relationship between an employee's death and his or her federal employment. Medical evidence addressing the cause-and-effect relationship between death and employment is required. A death certificate or medical report showing COVID-19 or a COVID-19 related cause of death is helpful in supplementing the medical evidence.