

Who is eligible for COP?

Most employees are eligible for COP, however, the FECA excludes certain persons from eligibility for COP. COP cannot be authorized for members of these excluded groups, which include but are not limited to:

- persons rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay;
- volunteers (for instance, in the Civil Air Patrol and Peace Corps);
- Job Corps and Youth Conservation Corps enrollees;
- individuals in work- study programs, and
- grand or petit jurors (unless otherwise Federal employees).



Reference: 10 CFR 10.200

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When is COP payable?

COP is payable when:

- An employee is out of work as a result of
 - Medical treatment
 - Disability
- An employee returns to work with a wage loss (i.e. loss of shift differential).
- An employee is formally reassigned to another position with a lower rate of pay.

This does not include a reduction of pay that is due solely to an employer being prohibited by law from paying extra pay to an employee for work he or she does not actually perform.



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Employee Responsibilities

➤ Employee responsibilities

- File CA-1 form within 30 days of the date of injury.
- Provide supporting medical documentation within 10 calendar days from the date the COP is claimed or the date disability began (whichever is later).
- Accept suitable light duty work when available and offered by the employing agency. Offer of light duty ultimately needs to be in writing. If the agency wants OWCP to take an y action based upon the offer it needs to be in writing.
- Keep supervisor informed of any changes in work status.



Reference: 10 CFR 10.210

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Counting COP Days

- Days of entitlement (45)
 - Entitled only to the time necessary to obtain treatment.
 - Each day with a period charged to COP will be counted as one day of COP entitlement.
 - Scheduled days off and holidays occurring during a period of disability will be counted toward COP entitlement.
 - Leave used during a period when COP is otherwise payable is counted toward the 45-day COP maximum as if the employee had been in a COP status. The employee has one year from the date the leave was taken or the date OWCP provided written approval of the claim (whichever is later) to change periods of leave taken to COP.



Reference: 10 CFR 10.215

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Counting COP Days

- Days of entitlement (45)
 - Disability on the date of injury is not normally counted as COP except when the injury occurs before the start of an employee's work shift and the employee is disabled for work, in that case, the date of injury is counted as a COP day.
 - Compressed work schedules – Regular Day Off (RDO) will count as a COP day if the employee was disabled for work immediately preceding or following the RDO and medical evidence supports disability.
 - Part-time or intermittent schedules - All calendar days on which medical evidence indicates disability are counted as COP days, regardless of whether the employee was or would have been scheduled to work on those days.



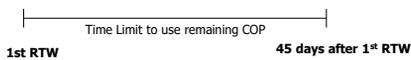
Reference: 10 CFR 10.215

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Time Limit to use remaining COP

Claimant can use the remaining days of COP if they stop work within 45 days from the time they first returned to work following their initial period of disability.

Time charged to administrative leave on the date of injury is considered the initial period of disability for COP purposes

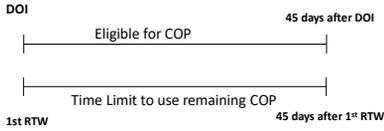


Reference: 10 CFR 10.207

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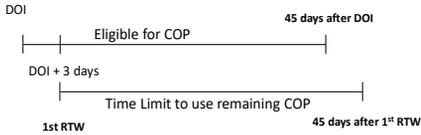
Scenario 1

An employee is injured at work, files a CA-1, and elects to see her private physician. Three hours later the employee returns to work and is charged administrative time for the time she was gone.



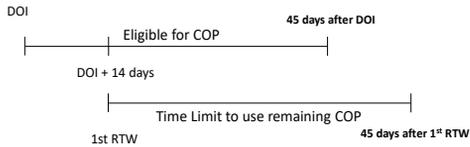
Scenario 2

An employee is injured at work, files a CA-1, and elects to see his private physician. Three days later the employee returns with a note from his physician supporting the time off.



Scenario 3

An employee is injured at work, files a CA-1 but loses no time on the DOI. Two weeks later the employee goes to see her private physician pertaining to the on the job injury. She takes 4 hrs off and returns to work.



Time Limit to use remaining COP

- There is an exception to the time limit. Any remaining entitlement can be used beyond the 45th day time limit if
 - the period of disability starts prior to the 45th day and
 - the period runs continuously without interruption
- In this situation COP will be paid until the employee is no longer disabled for work or the 45 day entitlement to COP is exhausted, whichever occurs first.



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Determining Pay Rate

- Pay Rate for COP should include additional elements of pay except those elements prohibited by law for payment where the employee does not actually perform work.
- Pay rate should not include overtime.



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Test your COP Knowledge



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Scenario 1

An employee begins their work shift at 8:30 am on 4/4/16. The employee sustains an injury at 10:30 am and leaves to obtain medical care. How would the time off be charged?



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Scenario 1

An employee begins their work shift at 8:30 am on 4/4/16. The employee sustains an injury at 10:30 am and leaves to obtain medical care. How would the time off be charged?

ANSWER: The time off would be charged to Administrative Time.



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Scenario 2

An employee slips and falls while entering the government building where they work. The incident took place at 8:50 am. The employee is off work for the entire day as a result of the fall. The employee's normal working hours are 9:00 am to 5:30 p.m. How would the time be charged?



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Scenario 2

An employee slips and falls while entering the government building where they work. The incident took place at 8:50 am. The employee is off work for the entire day as a result of the fall. The employee's normal working hours are 9:00 am to 5:30 p.m. How would the time be charged

ANSWER: The time off should be charged to COP since it occurred before the start of the workday



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Scenario 3

An employee is injured on 6/2/16 at 1:15 p.m. The employee elects to be treated by a private physician and is off work the rest of the day. The employee returns to work the next day. When is the last day the employee can use COP?



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Scenario 3

ANSWER:

The first return to work would be considered 6/3/16 since there was a work stoppage on the DOI.

The employee has 45 days from 6/3/16 to use COP.

The last day the employee can use COP is 7/18/16.



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Scenario 4

An employee sustains an injury on 5/2/16 and files a claim immediately thereafter. The employee is off work from 5/2 to 5/15 and returns to work on 5/16. How many days of COP are chargeable? How many days of COP entitlement are remaining? What is the last day the employee can use COP?



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Scenario 4

DOI : 5/2/16
1st return to work: 5/16/16
13 days of COP are chargeable: 5/3 through 5/15 inclusive
32 days of entitlement remaining: 45 total -13 used
Last day to use COP is 6/30/16



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Scenario 5

The same employee, upon return to work, is required to attend physical therapy from 10:00am to 12:00 p.m. She attends therapy on 5/18, 5/21, 5/23, and 5/25. How many additional days of entitlement has the employee used?



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Scenario 5

The same employee, upon return to work, is required to attend physical therapy from 10:00am to 12:00 p.m. She attends therapy on 5/18, 5/21, 5/23, and 5/25. How many additional days of entitlement has the employee used?

ANSWER:

The employee has used 4 additional days of COP.



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Scenario 6

On 5/25 the employee calls her supervisor at 12:30 p.m. and states that she cannot come back to work because "she is too sore from the therapy" and requests that her supervisor carry her on COP for the remainder of the day. The supervisor calls you requesting guidance.

What do you advise the supervisor?



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Controverting COP

- The employer , in certain specific instances, is not required to pay COP to the employee. This can be found at 20 CFR 10.220.
- In these instances the employer does not have to pay COP unless directed by OWCP.
- Employer must inform the employee that COP will not be paid and the reason why COP is not being paid.
- This reason must be annotated on the CA-1 form.



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Controverting COP

- The ONLY reasons where the agency is not required to pay COP
 - The disability was not caused by a traumatic injury.
 - The employee is neither a citizen nor a resident of the United States or Canada.
 - No written claim was filed within 30 days from the date of injury.
 - The injury occurred off the employing agency premises and the employee was not engaged in official "off-premises" duties.



Controverting COP

- The ONLY reasons where the agency is not required to pay COP
 - The injury was caused by the employee's willful misconduct, intent to injure or kill himself/herself or another person, or was proximately caused by intoxication by alcohol or illegal drugs.
 - Work stoppage first occurred more than 45 days after the injury
 - The employee first reported the injury after employment was terminated.



Controverting COP

If the employer disagrees with the employee's entitlement to COP but the situation does not meet one of the previously stated reasons, COP is paid unless otherwise directed by OWCP to terminate.



Terminating COP

COP should not be stopped unless:

- Prima facie medical evidence is not submitted within 10 calendar days of the employee's claim for COP or the date disability begins.
- OWCP notifies the agency that pay should be terminated.
- COP has been paid for 45 calendar days.
- The employee returns to work with no loss of pay.
- The employee's period of employment expires or employment is otherwise terminated (as established prior to the date of injury).



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Terminating COP

COP should not be stopped unless:

- The employee is no longer totally disabled
 - Medical documentation provided by employee's treating physician indicates that the employee can return to regular work **AND**
 - The employee refuses a written offer of suitable alternative position which is approved by the attending physician.

The employing agency must inform OWCP that COP is being terminated, the basis for the termination, and the effective date of the termination.



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Terminating COP

➤ COP may not be interrupted due to a disciplinary action unless:

- Preliminary notice was issued to the employee before the date of injury **AND**
- The action becomes final or otherwise takes effect during the COP period



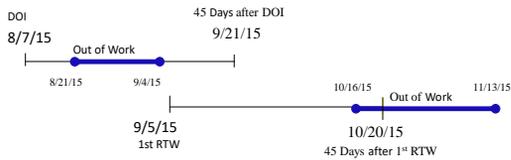
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Scenario 1 – Joe Smith

- When is the last day Joe can use COP?
- How many days of COP did Joe use?
- Is there any part of his time off that would not be covered under COP? Why? If yes then how would the time off be covered?



Scenario 1 – Joe Smith



Last day to use COP 11/13/15 - Exception to the 45 day limit to use remaining COP
 COP days used - 44 days of COP used (8/21/15-9/4/15 and 10/16/15-11/13/15)
 Physical Therapy would not be covered by COP



Scenario 2 – Cheryl Johnson

Cheryl Johnson, a Crane Operator on second shift, injured her back on 6/28/15 while climbing the ladder to get into the crane at the start of her shift. She informed her supervisor of the injury and filled out a CA-1. The supervisor sent Ms. Johnson to the agency clinic to get checked out. Ms. Johnson returned less than one hour later stating that the clinic examined her, gave her some extra strength Tylenol, and released her back to work with no restrictions. The supervisor did not charge Ms. Johnson with any time off since she was gone such a short period of time and the injury seemed minor. The supervisor sent the CA-1 form to your office.

On 6/29/15 Ms. Johnson phoned her supervisor that when she got home her back started hurting so intensely that she went to the emergency room. She stated that the emergency room physician put her off work from 6/29/15 until he could be seen by an orthopedic specialist. Ms. Johnson stated that she had an appointment with the specialist on 7/12/15. Ms. Johnson stated she would have a coworker bring in the initial medical documentation and would call the supervisor after her appointment on 7/12/15. On 7/5/15, the supervisor received the paperwork that supported Ms. Johnson's time off from work.

On 7/12/15 Ms. Johnson phoned her supervisor stating that she had seen the specialist and the specialist had cleared her to work on 7/17/15 with work restrictions. Ms. Johnson read the restrictions to her supervisor over the phone. The supervisor stated that he could not accommodate those restrictions on second shift but that Ms. Johnson could be assigned duties during the day shift. On 7/17/15 Ms. Johnson reported for work on the day shift and continued to work on the day shift for the next eight weeks. She returned to full duty on second shift on 9/11/15.



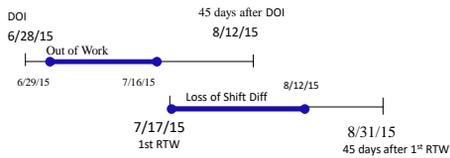
Scenario 2 – Cheryl Johnson

- When is the last day Cheryl can use COP?
- How many days of COP did Cheryl use?
- Is there any part of his time off that would not be covered under COP? Why? If yes then how would the time off be covered?



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Scenario 2 – Cheryl Johnson



Last day to use COP 8/12/15 - All 45 days of COP have been used
 COP days used - 45 days of COP used (6/29/15 - 7/16/15 due to disability and 7/17/15 - 8/12/15 due to loss of shift differential)
 Loss of shift differential from 8/13/15 until 9/11/15 would not be covered by COP



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Questions?



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