

# CA-7 LEAVE BUY BACK

Yvette Talley and Mark Baumann  
Federal Workers' Compensation  
(VISN 9)

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## FORM CA7 CLAIM FOR COMPENSATION

- × Leave Without Pay
- × Leave Buy Back
- × Other wage loss such as loss of night differential and/or premium pay
- × Schedule Award

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## RATE OF COMPENSATION

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

Who qualifies as a "dependent"?

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## 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

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## COMPENSATION AND COP

- ✘ An employee may elect to use leave without pay or sick and/or annual leave to cover all or part of an absence(s) due to injury following the period of entitlement to continuation of pay (COP)
- ✘ The employer should furnish Form CA-7 to the employee by the 30<sup>th</sup> day of the COP period.

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## ENTITLEMENT

- ✘ Under Section 5 U.S.C. 8117, an employee other than a Postal Service employee is not entitled to compensation for the first 3 calendar days of temporary disability except:
  - + When the disability exceeds 14 days
  - + When the disability is followed by permanent disability
  - + Where lost time was solely due to the employee's absence for medical treatment as lost time for medical appointments is not considered disability

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### 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

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### LIMITATIONS

- × LEAVE WITHOUT PAY
  - + Minimum of 10 hours unless it is anticipated to be the final claim (preferred)
- × LEAVE BUY BACK
  - + Minimum of 10 hours
  - + May not repurchase leave taken during period of COP eligibility
  - + May not repurchase donated leave
  - + Approval at the agency's discretion

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### LEAVE WITHOUT PAY

- × Employee completes Employee Portion of CA-7
  - + Include CA-7a if absences are intermittent
  - + Certify leave status
- × Employing agency completes Employing Agency Portion
  - + Certify information provided
- × Transmit form(s) to OWCP no more than 5 work days after receipt
- × OWCP decision rendered
  - + Any payment is issued directly to employee

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### LEAVE BUY BACK

- ✘ Employee completes CA-7a
  - + Employing agency certifies leave status
- ✘ Employing agency completes CA-7b
- ✘ Employee elects to repurchase or not to repurchase
  - + Not repurchasing – stop here – do not forward to OWCP
- ✘ Employee completes employee portion of CA-7
- ✘ Employing agency completes Employing Agency Portion
  - + Certify information provided
- ✘ Transmit form(s) to OWCP no more than 5 work days after receipt
- ✘ OWCP decision rendered
  - + Any payment is issued to agency

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### CA-7 EMPLOYING AGENCY PORTION

- ✘ Pay rate for date of injury and date stopped work is computed on a weekly basis as follows:
  - + Annual Rate: An annual salary divided by 52
  - + Hourly Rate: Hourly rate multiplied by 2087 (the number of hours in a full work year based on a 40 hour work week) divided by 52.

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### CA-7 EMPLOYING AGENCY PORTION (CONTINUED)

#### Additional Elements included in Pay Rate

- ✘ Increments of pay which may be included in the pay rate include night differential, Sunday and Saturday premium, holiday premium, and subsistence/quarters.
- ✘ Overtime pay is not to be included in computing the pay rate.

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**CA-7 EMPLOYING AGENCY PORTION (CONTINUED)**

**Reporting Additional Elements of Pay**

- ✘ If the employee works a regular work schedule, identify the type of additional pay and state the amount earned weekly.
  
- ✘ If irregular schedule, determine the amount earned 1 year prior to date of injury and date stopped work and divide by 52.

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**CA-7 EMPLOYING AGENCY PORTION (CONTINUED)**

**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 continuation of pay (COP) received
- ✘ Return to work status

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**What step can be taken to minimize the time required to gather the pay rate information required to complete the agency portion of the CA7 in order to ensure timely submission to OWCP?**

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### GET IT IN ADVANCE!

- ✘ If by the 30<sup>th</sup> day of the COP period it is anticipated the employee will file a claim for compensation, request pay rate information, to include premium pay for one year prior to date of injury and date employee stopped work, from Payroll. You will have the information readily available upon receipt of the completed CA-7 from the employee.

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### 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.
- ✘ If not present when the CA-7 is received, the claims examiner will send a letter to the employee requesting evidence. Do not hold up the submission of the paperwork waiting for the employee to provide medical.

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### COUNSEL AND ELECTION

- ✘ Sick or annual leave is paid at 100% of an employee's regular pay, while compensation is paid at either 2/3 or 3/4 percent of an employee's pay; therefore, the employee may be required to pay the difference to the agency before leave can be re-credited to their account.
- ✘ Fiscal/Payroll Office completes the amount due to the agency to repurchase the leave (Section II) on the reverse of Form CA-7b and returns the form to the compensation specialist.
- ✘ Compensation specialist meets with the employee to counsel and obtain signature of election to repurchase or not to repurchase the leave at this time (Section III).

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### OWCP DECISION

- ✘ If medical evidence supports entitlement for all hours claimed, the claims examiner will calculate compensation payable.
- ✘ If all hours claimed are not payable due to lack of documentation, payment may be issued for the portion in which entitlement is supported.
- ✘ 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.

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### OWCP DECISION (CONTINUED)

- ✘ If the amount of compensation payable is NOT within 10% of the agency estimate, a letter is sent 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 employing agency.

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### APPROVED LEAVE BUY BACK

- ✘ Once leave buy back has been approved and any monies due by the employee has been paid, 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)

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### CORRECTING THE RECORD

- ✘ Periods of LWOP may result in:
  - + Leave accrual reduction
  - + Reduced retirement contributions
  - + Reduced TSP contributions
  - + Requirement to file an amended tax return

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### CORRECTING THE RECORD (CONTINUED)

- ✘ 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.
- ✘ SF-50, Notification of Personnel Action, is required to record LWOP in Official Personnel File (OPF) and document period of absence as creditable service for the period paid under 5 U.S.C. Chapter 81.

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### OTHER WAGE LOSS

- ✘ Premium Pay
  - + Night differential
  - + Sunday/Saturday pay
  - + On-call pay
- ✘ Change to Lower Grade

Note: Loss of premium pay during the period of COP entitlement is authorized and paid as COP.

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## 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.
- ✘ To claim compensation for a schedule award, the employee may complete the Employee Portion of Form CA-7.
- ✘ Employing agency completes the Employing Agency Portion and transmits to OWCP no more than 5 working days after receipt.

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## REFERENCES

- ✘ 20 C.F.R. 10.102
- ✘ 20 C.F.R. 10.111
- ✘ 20 C.F.R. 10.112
- ✘ 20 C.F.R. 10.333
- ✘ 5 U.S.C. 8110
- ✘ 5 U.S.C. 8117
- ✘ 5 U.S.C. Chapter 81
- ✘ FECA Procedure Manual 2-0200
- ✘ FECA Procedure Manual 2-0900
- ✘ FECA Procedure Manual 2-0901

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## EXERCISE

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**EXERCISE**

- × Date of injury 01/23/09
- × Regular work hours 3:30pm – 12:00 mid
- × Days off 1<sup>st</sup> week: Wednesday and Saturday
- × Days off 2<sup>nd</sup> week: Tuesday and Saturday
- × Stopped work 01/23/09 @ 8:00pm
- × Returned to work limited duty 03/20/09
- × Limited duty work schedule Monday-Friday
- × 2 hours of lost time 04/02/09 for post-op follow up appointment

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**EXERCISE**

- × Exhausted 45 days of COP entitlement for the period of 01/24/09 through 03/09/09
- × Requested to use sick leave for the remainder of her lost time from work

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**EXERCISE**

- × Employed since 06/03/07 as a GS-5, Step 4
- × Current annual salary of \$36,937.00
- × Effective date of current salary 01/04/09
- × FERS retirement
- × One dependent (spouse)
- × Enrolled in FEHB - 105
- × Enrolled in FEGLI - Basic only

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**EXERCISE**

- ✘ Premium pay earned 1 year prior:
  - + \$3304.14 Night Differential
  - + \$3295.73 Saturday/Sunday
  - + \$1362.23 Holiday Pay
- ✘ Requesting to buy back 66 hours of sick leave
- ✘ \$1424.69 must be repaid to credit the leave

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**EXERCISE CA-7a**

- ✘ Period covered by this form: 03/10/09 to 04/02/09
- ✘ Total Leave Buy Back hours claimed: 66
- ✘ Date: 03/10/09
- ✘ Compensation Claimed? YES
- ✘ Number of Hours: 8 Leave
- ✘ Type of Leave Used: Sick
- ✘ Reason for Leave: Post-op Recovery

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**EXERCISE**

- ✘ Repeat for 03/11/09, 03/12/09, 03/13/09, 03/15/09, 03/16/09, 03/17/09, 03/19/09
- ✘ Date: 04/02/09
- ✘ Compensation Claimed? YES
- ✘ Number of Hours: 6 Worked, 2 Leave
- ✘ Type of Leave: Sick
- ✘ Reason for Leave: Follow-up O.V.
- ✘ Total 6 hours worked and 66 hours leave

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**EXERCISE CA-7b**

- × Period to Repurchase Leave: 03/10/09 to 04/02/09
- × Weekly Base Payrate:
  - + Date of injury: 01/23/09 - \$710.33
  - + Date stopped worked: 01/23/09 - \$710.33
- × Effective date: 01/04/09
- × Additions to Base Pay:
  - + Night Differential: \$63.54
  - + Sunday Premium: \$63.38
  - + Other - Holiday: \$26.20

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**EXERCISE CA-7b**

- × Total Weekly Pay Rate: \$863.45
- × Compensation Rate:  $\frac{3}{4}$
- × Total Hours Claimed: 66
- × Total Hours Worked: 40
- × Formula Total: \$1068.52
- × Total Amount Due to Agency: \$1424.69
- × Estimate of FECA: \$1068.52
- × Balance Due from Employee: \$356.17

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**EXERCISE CA-7**

- × Section 8
  - + Date of Injury: 01/23/09
  - + Base Pay: \$710.33 per week
  - + Grade/Step: 5/4
  - + Additional Pay:
    - ND: \$63.54 per week
    - SUN: \$63.38 per week
    - HOL: \$26.20 per week
  - + Same for Employee Stopped Work

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### EXERCISE CA-7

× Section 9

- + Fixed 40-hour per week? NO
  - Week 1: 01/18 to 01/24  
S-8 M-8 T-8 TH-8 F-8 Circle F-8
  - Week 2: 01/25 to 01/31  
S-8 M-8 W-8 TH-8 F-8
  
- + Work in position 11 month prior? YES

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### EXERCISE CA-7

× Section 10

- + FEHBP? YES - 105
- + Basic Life? YES
- + Optional Insurance? NO
- + Retirement System? YES - FERS

× Section 11

- + COP Received: From 01/24/09 to 03/09/09
- + Intermittent? NO

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### EXERCISE CA-7

× Section 12

- + Pay Status for Periods Claim:
  - Sick Leave from 03/10/09 to 04/02/09
  - Intermittent? YES

× Section 13

- + Return to Work? YES, 03/20/09
- + Pre-date job? NO, Limited duty

× Section 14

- + Remarks

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# QUESTIONS ?

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## CONTACT INFO

Yvette Talley  
FWCP Specialist  
502-287-6175  
yvette.talley@va.gov

Mark Baumann  
FWCP Specialist  
423-926-1171 ext. 7168  
mark.baumann@va.gov

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