

This Article was changed in the 2005 Agreement.

Article 34

Employee Disability Compensation (OWCP)

Section 1. Counseling

A. The Employer agrees that when an employee suffers job-related illness or injury in the performance of duties and reports it to his or her supervisor, the supervisor and/or the personnel office will counsel the affected employee as to the following:

Subsection A provides for information to be given an employee in connection with a job-related illness or injury. Such information will be provided by managers and/or the servicing personnel office. Managers should refer to the personnel guides or make appropriate contacts for further information in this area.

1. His/her right to file for compensation benefits;
2. The types of benefits available; and
3. The procedure for filing claims.
4. The option to use compensation benefits in lieu of sick or annual leave.

5. Whether Continuation of Pay (COP) is applicable.

Contact your servicing personnel office for guidance on COP applicability.

B. The supervisor will notify the local Union steward when he or she becomes aware that a bargaining unit employee has filed an OWCP claim.

Specific information, including personal identifiers, is prohibited from disclosure by the Privacy Act of 1974, 5 U.S.C. Section 551a. Management's only responsibility is to inform the union that an OWCP claim has been filed.

C. An employee who has filed for compensation benefits will be counseled, upon request, by his/her supervisor and/or a personnel specialist at any stage in the processing of the case concerning such

Supervisors should refer to the personnel guides or make appropriate contacts for further information.

---

**Contract Language****Comments**

---

options as may be available to the employee at that point.

**Section 2. Employee Options**

- A. An employee with a job-related injury/illness (including conditions aggravated by job-related factors) may elect to be placed on sick or annual leave instead of leave without pay, pending approval or disapproval of his/her compensation claim.
- B. Employees shall have the option of buying back the leave used and having it reinstated to their account if their claim for compensation is approved.
- C. An employee with a job related traumatic injury may claim up to 45 days of COP. The entitlement to COP is not available to employees who file an occupational disease claim.
- The employee has the option of using paid leave or leave without pay pending the outcome of a compensation claim.
- In accordance with controlling regulations, merely claiming COP does not result in automatic entitlement. COP determinations are made by the Department of Labor.

**Section 3. Placement of OWCP Claimants**

- A. Where the employee requests and supports his/her request with appropriate medical information, the Employer will make a serious effort to assign the employee on a temporary basis to duties consistent with the employee's medical needs, pending resolution of his/her claim.
- B. Where the employee requests and supports his/her request with an approved OWCP claim and appropriate medical information, the Employer will make a serious effort to assign the employee to duties consistent with the
- Management should make a serious effort to temporarily assign employees to other duties, as supported by medical evidence, while a claim is pending.
- Management should make a serious effort to make a suitable placement of the employee upon approval of a claim. However, the placement of an employee must be consistent with Article 26 (e.g., an employee cannot be placed

**Contract Language**

**Comments**

employee's medical needs. Any such action will be consistent with the negotiated merit promotion article.

noncompetitively in a position where competitive procedures normally apply). This may be an interim job accommodation or reassignment in cases of temporary incapacitation when the employee is expected to fully recover. Where a lasting impairment exists, a permanent job reassignment would be sought.

C. When an employee who has been determined by OWCP to be disabled has recovered sufficiently that he or she is required or permitted to seek reemployment, management will make a serious effort to offer appropriate employment.

Subsection C refers to situations involving the rehiring of a previously disabled employee. This provision is consistent with government-wide regulations concerning the reemployment of those Federal employees who have recovered the capacity to perform useful and efficient service in a job for which the employee qualifies.

**Section 4**

Information on forms, rights and procedures under Worker's Compensation will be maintained on SSA's Intranet at <http://co.ba.ssa.gov/one/forms/worker.s.htm>. Annual reminders on how to access the site will be given to all employees. Information posted on the Intranet will also include mutually agreed upon excerpts from DOL Regulation or Handbooks.

Annual reminders will be issued by central office.

