

# Questions & Answers

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### Where do I start?

1. If you've been hurt, seek medical attention immediately.
2. Notify your Supervisor immediately, or as soon as practical.
3. Notify your Union Steward/Representative of your injury and/or that you are filing a worker's comp claim on an injury or occupational illness.

### What forms should I file?

If injured, request form **CA-1** from your Supervisor. If you have an occupational illness (ie, carpal tunnel, stress, etc) request form **CA-2**. If you have a one-time incident of stress, request form **CA-1**.

Only if filing a **CA-1**, demand form **CA-16**. The **CA-16** provides authorization for medical treatment for up to 60 days. In addition, on the back of the **CA-16** are specific questions for your treating physician to respond to. Completion of these questions are critical. If the physician addresses these questions fully, it will greatly improve the chances of an approved claim.

### How long do I have to file?

**CA-1** - Your obligation is to return the CA-1 within 72 hours to your supervisor, or as soon as practical from time of injury. You should file immediately. **NOTE:** If you are electing COP (which is strongly advised), you must return the CA-1 within 30 days from date of injury in order to receive COP.

**CA-2** - Your obligation is to return the CA-2 within 72 hours from the date of diagnosis *or* from the date you could have reasonably been expected to know of the illness.

**CA-16** - Your obligation is to return the CA-16 as soon as possible to your supervisor, ideally within 72 hours.

### **Can I choose my own Doctor?**

**YES.** You have the right to choose the primary medical provider of your choice. If your Agency has medical facilities available, you may (not recommended) choose to be treated by an Agency provider. The Agency cannot require you, or influence you, to use an Agency provider.

### **What are my responsibilities?**

1. File timely.
2. Ensure your Supervisor has all medical reports appropriate to file the workmans compensation claim and keep your Supervisor informed of your duty status.
3. To comply with all Department of Labor directives and communications.
4. To seek representation.

### **What are my rights?**

You have the right to due process. It is the Agency's responsibility to forward all time loss claims to the DOL within ten days of the injury.

You have the right to a representative in the workers comp process.

You have the right to choose your medical provider.

You have the right to timely compensation.

You have the right to have all applicable medical bills paid by the Agency or the DOL.

### **What are my supervisor's responsibilities?**

To issue all applicable forms in a timely manner.

To process all forms in a timely manner.

To monitor COP usage and timely process form CA-7 (wage loss compensation).

To make reasonable accommodations (ie. modified duty) appropriate to treating physician's restrictions.

### **What is COP? When can I get COP?**

Continuation of Pay: COP is a lawful entitlement of pay in the event of an injury, but only if an employee elects COP instead of LWOP, Annual leave or sick leave.

You are only eligible for COP if you file a CA-1. COP does not apply if you file a CA-2.

COP will be paid for a maximum of 45 days. The employee's Agency cannot stop COP for an employee, only the Dept. of Labor can take that action.

### **How do I get paid when COP runs out?**

If you and/or your supervisor believe your injury will prevent work in excess of 45 days, it is the Supervisor's responsibility to issue you form CA-7 (wage loss compensation) on the 30th day of COP. This helps ensure the employee has sufficient time to have the CA-7 form completed and returned in order to prevent a pay break at the point the COP terminates.

### **Can the Agency contact my Doctor?**

The Agency has the right to contact your treating physician for clarification issues only. The Agency may only request clarification through written correspondence either faxed or mailed. The Agency may not call your physician, write your physician asking them to call the Agency, visit your physician or otherwise contact them in a non-written form. (Pursuant to CFR 20)

### **Who pays medical expenses?**

The Department of Labor (DOL) pays medical bills specifically related to the injury or occupational illness for which a worker's comp claim has been filed. The employee must submit these medical bills to the DOL - not to the Agency.

### **Can I be represented or do I have to represent myself?**

You may represent yourself, however, you may also elect a representative of your choice. Representatives are generally limited to: a union representative, an attorney or, as defined by law, any member of your immediate family. Co-workers may not represent you in the OWCP process unless they are one of the representatives listed above.

We strongly encourage and advise injured employees to seek a representative for in the OWCP process.

## **Do I have to take a job offer of modified or light duty?**

Before you accept an offer of a modified or light duty job, a formal position description must be provided to you by your supervisor. You must take the proposed position description to your treating physician for approval. The Agency must submit the same proposed PD to the Dept. of Labor for their approval prior to you accepting this position.

If you accept a modified or light duty position without concurrence from the Dept. of Labor and your treating physician, and you return to your facility, you **cannot** go back and say the job will not work with your injury. It is assumed that if you return to work in the new position without concurrence of DOL and your physician, the DOL assumes you have declined to exercise your rights and you will be expected to perform the full range of duties in the new PD. You will not have any right to appeal at this point.

## **My claim was denied - what should I do now?**

Immediately contact your Union representative for guidance! **Do not** attempt to appeal a denied claim without guidance or a representative.