

CONTINUATION OF PAY (COP)



Definition and Entitlement

- Intent of COP is to avoid interruption of employee's income
- An employee is entitled to receive COP when absent from work due to disability or medical treatment
- FECA provides for up to **45 calendar days** of regular pay
- Employee must have a traumatic injury only
- COP is subject to all the usual regular pay deductions
- Eligible only when "Notice of Injury" (CA-1) is submitted **within 30 days**

HOW TO TRACK AND COMPUTE COP

- Day of the Injury is Administrative leave **unless** the injury occurs **before** the work shift begins
- COP **must** begin **within 45 days** after the injury
- COP is charged for weekends and/or holidays, if medical evidence shows disability on those days
- Lost time for part of a day counts as **one full day** of COP entitlement
- Disabled employee working part-time due to injury-related disability will be charged COP for each partial day worked.

WHEN TO TERMINATE COP



- If medical evidence is not submitted within 10 work days
- If employee is no longer disabled for regular work
- If employee refuses suitable light duty
- If the 45-day period expires
- If “window of opportunity” closes
- If OWCP notifies agency that COP should be terminated

WHEN TO TERMINATE COP



- If an employee who is scheduled to be separated reports an injury on or before the date of separation the employee is **entitled** to COP **up to the date of separation**, then compensation thereafter

WHEN TO CONTROVERT AND TERMINATE COP

- The disability is a result of an occupational disease or illness
- The injury occurred off the employing agency's premises and the employee was not engaged in official "off-premises" duties
- The employee caused the injury by his or her willful misconduct, or the employee intended to bring about his or her injury or death or that of another person, or the employee's intoxication was the proximate cause of the injury

WHEN TO CONTROVERT AND TERMINATE COP



- The injury was not reported on a form approved by OWCP (Form CA-1) within 30 days of the injury
- Work stoppage first occurred more than 45 days after the injury
- The employee first reported the injury after employment was terminated
- The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, work study program, or other group covered by special legislation

HOW TO CALCULATE PAYRATE FOR COP



- OWCP defines COP a ‘regular pay; average weekly earnings including night/shift differential; various kinds of premium pay - overtime pay **is not included ,except**, administratively uncontrollable overtime pay under 5 U.S.C. 5545[c] [2]
- HOWEVER.**, new regulations now **exclude** **Sunday pay** in the computation of Continuation of Pay (COP) (Pub. CA-810, Chapter 5-4)

HOW TO CALCULATE PAYRATE FOR COP



Included in COP payrate is:

- Standard Tour of Duty
- Non-Standard Tour of Duty
- Intermittent Work
- Changes in Pay

USE OF LEAVE INSTEAD OF COP



- Employees may use sick or annual leave to cover all/part of an absence due to an injury
 - **However**, each full/partial day for which leave is taken is counted against the 45 calendar days of entitlement
 - Entitlement to COP is **not extended** beyond 45 calendar days of combined absences
- Election of leave vs. COP is **not irrevocable**
 - Employees can later request COP
 - Supervisors should honor such requests prospectively

USE OF LEAVE INSTEAD OF COP



- Retroactive request for COP
 - Must be made within one year from date of leave usage, or written acceptance of claim, whichever is later
 - Must be supported by medical evidence for period in question

RECURRENCES



- To be entitled to COP following a recurrence of injury-related disability, the employee must have initially returned to work without having used all 45 days of entitlement
- Further, the employee may use COP if no more than 45 days have elapsed since the date of first return-to-work, including part-time or light duty work

RECURRENCES



- If the recurrence begins later than 45 days after the first return to work, the agency should not pay COP even though some days of entitlement remain unused
- If a Third Party credit has been established, the supervisor should contact OWCP before paying COP