

Continuation of Pay Tracking Worksheet

Claimant Name: _____ OWCP Case Number: _____
 Date of Injury: _____ Date of Notification: _____

Use this worksheet to track the dates and hours of Continuation of Pay (COP) authorized for this claimant as a result of the injury case noted in the OWCP Case Number above.

Count	Date	Day Type*	# Hours		Count	Date	Day Type*	# Hours
1	__/__/__				23	__/__/__		
2	__/__/__				24	__/__/__		
3	__/__/__				25	__/__/__		
4	__/__/__				26	__/__/__		
5	__/__/__				27	__/__/__		
6	__/__/__				28	__/__/__		
7	__/__/__				29	__/__/__		
8	__/__/__				30	__/__/__		
9	__/__/__				31	__/__/__		
10	__/__/__				32	__/__/__		
11	__/__/__				33	__/__/__		
12	__/__/__				34	__/__/__		
13	__/__/__				35	__/__/__		
14	__/__/__				36	__/__/__		
15	__/__/__				37	__/__/__		
16	__/__/__				38	__/__/__		
17	__/__/__				39	__/__/__		
18	__/__/__				40	__/__/__		
19	__/__/__				41	__/__/__		
20	__/__/__				42	__/__/__		
21	__/__/__				43	__/__/__		
22	__/__/__				44	__/__/__		
					45	__/__/__		

*Day Type: **W** = Work Day; **H** = Holiday; **N** = Non-Scheduled Day

How to Track and Pay COP:

COP is payable for a maximum of 45 calendar days, and every day used is counted toward this maximum.

- Time lost on the day or shift of the injury does not count toward COP. Instead, the installation must keep the employee in the pay status for that period using Hours Type Code LU and an injury number equivalent to the month and day (MM/DD) of the injury.
- The first COP day is the first day disability begins following the date of injury as long as that date is within the 45 days following the date of injury. The only exception to this rule is when the injury occurs before the beginning of the workday or shift, in which case the date of injury is charged to COP. The installation must use Hours Type Code LT and an injury number equivalent to the month and day (MM/DD) of the injury.
- Any part of a day or shift, except on the day of the injury, counts as a full day toward the 45 calendar day total, however, the installation must only record Hours Type Code LT for the portion of the day or shift where the employee was authorized for treatment or disability, and code the remainder of the day to work hours, annual, or sick leave as appropriate.
- Regular days off are included if COP has been used on the regular work days immediately preceding or following the regular day(s) off, and medical evidence supports disability.
- 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.

Instructions and Guidelines to Process and Track Continuation of Pay

The Federal Employees' Compensation Act (FECA) provides that the Installation must continue the employee's regular pay during any periods of resulting disability, up to a maximum of 45 calendar days. This is called continuation of pay, or COP. The Installation, not OWCP, pays COP. Unlike wage loss benefits COP is subject to taxes and all other payroll deductions that are made from regular income.

Eligibility to Receive COP

To be eligible for COP, a person must:

- Have a "traumatic injury" which is job-related and the cause of the disability, and/or the cause of lost time due to the need for medical examination and treatment;
- File Form CA-1 within 30 days of the date of the injury; and
- Begin losing time from work due to the traumatic injury within 45 days of the injury.

When Installations are Not Required to Pay COP

The Installation must continue regular pay of an eligible employee without a break in time for up to 45 calendar days, except when, and only when:

- The disability was not caused by a traumatic injury;
- The employee is not a citizen of the United States or Canada;
- No written claim was filed within 30 days from the date of injury;
- The injury was not reported until after employment has been terminated;
- The injury occurred off the employing agency's premises and was otherwise not within the performance of official duties;
- The injury was caused by the employee's willful misconduct, intent to injure or kill himself or herself or another person, or was proximately caused by intoxication by alcohol or illegal drugs; or
- Work did not stop until more than 45 days following the injury.

Withholding COP

The Installation must continue the pay of an employee who is eligible for COP, and may not require the employee to use his or her own sick or annual leave, unless one of the following reasons apply:

- Medical evidence, which on its face supports disability due to a work-related injury is not received within 10 calendar days after the claim, is submitted (unless the Installation's own investigation shows disability to exist). Where the medical evidence is later provided, however, COP shall be reinstated retroactive to the date of termination;
- The medical evidence from the treating physician shows that the employee is not disabled from his or her regular position;
- Medical evidence from the treating physician shows that the employee is not totally disabled, and the employee refuses a written offer of a suitable, alternative, position that is approved by the attending physician. If OWCP later determines that the position was not suitable, OWCP will direct the Installation to grant the employee COP retroactive to the termination date.
- 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);
- OWCP directs the Installation to stop COP; and/or
- COP has been paid for 45 calendar days.

COP Payments During Disciplinary Action Period

An Installation may not interrupt or stop COP to which the employee is otherwise entitled because of a disciplinary action, unless a 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.

Controverting Periods of COP

Where an employee requests COP but does not meet the eligibility requirements, or an Installation stops COP, it must file a controversion with OWCP, setting forth the basis on which it terminated COP, no later than the effective date of the termination. The final determination on entitlement to COP always rests with OWCP.

Employees Who Elect Annual or Sick Leave on CA-1

When an employee elects to use accumulated sick or annual leave, or leave advanced by the agency, instead of electing COP, the employee may change the election between leave and COP for prospective periods at any point while eligibility for COP remains. The employee may also change the election for past periods and request COP in lieu of leave already taken for the same period. In either situation, the following provisions apply:

- The request must be made to the Installation within one year of the date the leave was used or the date of the written approval of the claim by OWCP (if written approval is issued); whichever is later.
- Where the employee is otherwise eligible, the installation must restore leave taken in lieu of any of the 45 COP days. Where any of the 45 COP days remain unused, the agency shall continue pay prospectively.
- The use of leave may not be used to delay or extend the 45-day COP period or to otherwise affect the time limitation for COP. Therefore, any leave used during the period of eligibility counts towards the 45-day maximum entitlement to COP.

Employee's Responsibility to Ensure Eligibility to COP

An employee that elects COP must take the following actions to ensure continuing eligibility for COP.

- Complete and submit Form CA-1 to the employing agency as soon as possible, but no later than 30 days from the date the traumatic injury occurred.
- Ensure that medical evidence supporting disability resulting from the claimed traumatic injury, including a statement as to when the employee can return to his or her date of injury job is provided to the employer within 10 calendar days after filing the claim for COP.
- Ensure that relevant medical evidence is submitted to OWCP, and cooperate with OWCP in developing the claim.
- Ensure that the treating physician specifies work limitations and provides them to the employer and/or representatives of OWCP.
- Provide to the treating physician a description of any specific alternative positions offered the employee, and ensure that the treating physician responds promptly to the employer and/or OWCP, with an opinion as to whether and how soon the employee could perform that or any other specific position.

Calculating Pay Rates for COP

The pay rate for COP purposes is equal to the employee's regular "weekly" pay (the average of the weekly pay over the preceding 52 weeks). The pay rate excludes overtime pay, but includes other applicable extra pay except to the extent prohibited by law. Changes in pay or salary such as promotion, demotion, within-grade increases, or termination of a temporary detail, which would have otherwise occurred during the 45-day period are to be reflected in the weekly pay determination.

The weekly pay for COP purposes is determined according to the following formulas:

- For full or part-time workers (permanent or temporary) who work the same number of hours each week of the year (or of the appointment), the weekly pay rate is the hourly pay rate (A) in effect on the date of injury multiplied by (x) the number of hours worked each week (B): **(A x B = Weekly Pay Rate.)**
- For part-time workers (permanent or temporary) who do not work the same number of hours each week, but who do work each week of the year (or period of appointment), the weekly pay rate is an average of the weekly earnings, established by dividing (/) the total earnings (excluding overtime) from the year immediately preceding the injury (A) by the number of weeks (or partial weeks) worked in that year (B): **(A / B = Weekly Pay Rate.)**
- For intermittent and seasonal workers, whether permanent or temporary, who do not work either the same number of hours or every week of the year (or period of appointment), the weekly pay rate is the average weekly earnings established by dividing (/) the total earnings during the full 12-month period immediately preceding the date of injury (excluding overtime) (A), by the number of weeks (or partial weeks) worked during that year (B) (that is, A / B); or 150 times the average daily wage earned in the employment during the days employed within the full year immediately preceding the date of injury divided by 52 weeks, whichever is greater.

For employees with 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. The rate at which COP is paid for these employees is calculated according to Sec. 10.216(b).

Reasons that OWCP May Not Authorize COP

When OWCP finds that an employee or his or her representative refuses or obstructs a medical examination required by OWCP, the right to COP is suspended until the refusal or obstruction ceases. COP already paid or payable for the period of suspension is forfeited. If already paid, the COP may be charged to annual or sick leave or considered an overpayment of pay consistent with 5 U.S.C. 5584.

Recouping of COP Paid for Periods not Authorized by OWCP

Where OWCP finds that the employee is not entitled to COP after it has been paid, the employee may choose to have the time charged to annual or sick leave, or considered an overpayment of pay under 5 U.S.C. 5584.

The Installation must notify the employee to make an election of annual or sick leave for periods of COP not authorized by OWCP, and then prepare a timekeeping adjustment to convert all Hours Type Code LT for period not authorized to another Hours Type Code.

Point of Contact for Questions on COP

If you have questions or would like to discuss specific circumstances related to COP authorization, timekeeping, and/or tracking, please contact your supporting DoD Liaison for assistance.