

GUIDANCE FOR EMPLOYEE REQUESTING LEAVE BUY BACK IN CONNECTION WITH A WORKERS' COMPENSATION CLAIM

A. Purpose and Scope

1. When an employee uses sick or annual leave due to an on-the-job injury or illness, there is a method by which the leave can be re-credited to the employee. It is the practice of the Bureau, if the claim is approved and medical evidence shows the employee was unable to work because of the injury during the period claimed, an employee may request "leave buy back" by submitting a Claim for Compensation (CA-7) form, to the Office of Workers' Compensation Programs (OWCP), U. S. Department of Labor (DOL) through the Safety Department which manages Workers' Compensation.

2. Two additional forms, a Time Analysis (CA-7a) and a Worksheet/Certification and Election (CA-7b), are to be filed with the CA-7 for leave buy back claims. The CA-7a is used when leave dates are intermittent or when more than one continuous period of leave is claimed. The CA-7b fully explains the process and provides the employee an estimate of the Federal Employees' Compensation Act (FECA) entitlement. It enables the Bureau to advise the employee of the amount required by National Finance Center (NFC) to reinstate the leave in question and requires the employee to agree to the process in advance of submission of the form.

3. Unless there is a significant variance between the Bureau estimate of FECA entitlement and the actual entitlement determined by the OWCP, the leave buy back claim can be processed by the OWCP immediately upon receipt of the completed claim forms, providing the medical evidence supports injury related time loss for each date claimed. If there is a significant variance (where the estimated entitlement is more than 10% above the actual entitlement) the OWCP claims examiner will advise the claimant of this and require return of a signed election before the claim is paid.

4. If all or part of the claim is payable, the OWCP claims examiner will certify payment of their portion of the claim directly to the address indicated on the CA-7b. The employee will be notified by the NFC payroll office of his/her share which will be the difference between the leave pay based on 100 percent of the employee's usual wage rate, and the compensation payment which is paid at two-thirds or three-fourths of the wage rate. The employee shall also pay his/her share via check directly to Employee Services office with the check being endorsed to NFC. The Employee Services office will then make a copy of the check prior to sending to the NFC payroll office or to Grand Prairie.

B. Guidelines

1. When an employee who sustains a job-related injury or illness uses leave during a period of disability, and a claim for compensation is approved by the OWCP, the employee may buy back the used leave and have it re-credited to his/her account.
2. Requests for leave buy back must be submitted within one year of the date the employee used the leave or the date the claim was accepted by OWCP, whichever is later.
3. These procedures apply to the buy back of sick and annual leave only. There is no statutory authority for the buy back of compensatory time or credit hours used in lieu of taking sick and/or annual leave and such requests will not be processed.
4. The employee **may not** repurchase leave taken during the 45-day continuation of pay (COP) period unless the employee was not entitled to receive continuation of pay. For example, there is no entitlement to COP if the employee filed a form CA-2, "Notice of Occupational Disease and Claim for Compensation," for an occupational illness or if a form CA-1, "Federal Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," was not filed with the supervisor within 30 days of the date of traumatic injury. **NOTE: Both the CA-1 and CA-2 forms are available through the Safety Office.**
5. In the case of a traumatic injury, the first three calendar days of leave without pay (LWOP) status following the last day of the 45-day COP period is a waiting period. Wage-loss compensation is payable on the day following the end of the three-day waiting period. However, if the employee is out of work and on LWOP more than 14 calendar days, no waiting period is required. Then compensation is payable from the first day of LWOP. This rule also applies to traumatic injury situations where there is no COP entitlement. In the case of an occupational disease, there is no entitlement to COP. Therefore, compensation is payable after the first three days the employee is off work and in a non-pay status due to the illness. If the employee is out of work and in a non-pay status more than 14 calendar days, there is no waiting period, and the compensation is payable from the first day of LWOP.
6. If the employee has not previously filed a CA-7, he/she will be required to do so before the leave buy back can be processed. This form will be provided to the employee, if necessary, by the Safety Office.

7. Compensation is paid at 2/3 of the employee's base pay if there are no eligible dependents or at 3/4 with 1 or more dependents, as indicated on the CA-7. The OWCP formula for determining the amount of compensation entitlement is the employee's weekly pay rate, multiplied by the compensation rate, multiplied by the number of hours claimed, divided by the number of hours worked per week.

8. Since the amount of money paid the employee for leave taken is based on 100 percent of the employee's gross pay, the employee will be required to refund to NFC the difference between the compensation entitlement paid by the OWCP and the total amount due for the period of leave paid.

C. Steps to Process the Leave Buy Back

1. The employee will complete sections 1-7 of a form CA-7 and sections 1-6 of a form CA-7a obtained from the Safety Office. The official responsible for certifying the employee's time and attendance (e.g., immediate supervisor) will sign in block 7 of the CA-7a. Employee Services will complete sections 8-15 of the form CA-7.

NOTE: The employee must be notified he/she will have thirty (30) days from the date he/she is notified by the Safety Department to make an election and sign the CA-7b. After that time, the Employee Services Department will be notified that the employee does not wish to buy back the leave and nothing further will be processed. If the employee elects not to buy back the leave, the Safety Department will retain the forms in the employee's workers' compensation file.

2. After the CA-7 is completed and certified by the Employee Services Office and the employee, (1) the Employee Services Office completes and calculates the amount using a form CA-7b and forwards the package directly to OWCP or (2) the Employee Services Office requests that NFC calculate the amount before sending the package to OWCP. (Note - Step 2 is the recommended method for leave buy back calculations).

Note: If forwarding the package directly to OWCP, OWCP forwards the approval letter and the compensation check to the address listed on the form CA-7b. If NFC is to calculate the amount, the Employee Services Office submits the form CA-7 via fax to NFC @ 303-274-3813. Go to Step 4 if forwarding the packet directly to OWCP.

Upon receipt of Form CA-7, NFC completes Form CA-7b as follows:

- All of Section I, Agency Estimate of FECA entitlement on the form CA-7b.
- Lines H (11), I (12), and J (13) of Section II, Agency Certification
- The CA-7b is transmitted to the Employee Services Office via fax within 5 working days. **To expedite the process, please include your fax number on your CA-7 transmission so that NFC can transmit the CA-7b via fax.**

3. The Employee Services Office reviews NFC's calculation and, if in Agreement, signs on the line designated for the Signature of Agency Official. The Employee Services Office also completes the Employing Agency Address for Check block then forwards the complete package to OWCP.

4. OWCP approves the claim, then forwards the applicable approval form letter CA1208 or CA1208a to the employee; OWCP forwards the compensation check and applicable documentation to the address specified on the CA-7b.

5. The employee elects the repayment method. The employee may elect to repay in installments through payroll deductions; the requested amount is deducted each pay period until the bill is paid in full. The employee may also elect to pay the full amount by check or a one-time payroll deduction to the National Finance Center.

6. The Employee Services Offices completes and forwards the Form AD-343 and copies of complete packet to Grand Prairie via MAGIC help ticket for review and signature as the approving official on the form AD-343. Grand Prairie returns the signed copy of the AD-343 to the Employee Services Office.

7. The Employee Services Office submits the OWCP compensation check and the OWCP package to NFC, Payroll/Personnel Operations Section via FedEx or other trackable mail to :

**U. S. Department of Agriculture
National Finance Center
Attn: Payroll/Personnel Operations
PO Box 6000
New Orleans, LA 70160**

Listed below are the documents that must be included in the package.

- Form CA-7 and CA-7a or CA-7b

- Form Letter CA-1208 or CA-1208a
- Form AD-343, Payroll Action Request

Do not submit Time and Attendance Reports, leave audits, or copies of personnel actions.

8. NFC verifies the information and issues a bill.

9. After the debt has been paid in full, NFC notifies the Employee Services Office in writing. The Employee Services Office restore the leave in the database using TINQ; it is not necessary to submit corrected T&A's to NFC to change the annual or sick leave to leave without pay.

Copies of the Complete packet should be filed and maintained by the Employee Services Office.

Guidance for the Leave Buy Back process can be found in Title I, Chapter 11 of NFC's Payroll/Personnel Manual.