

OWCP Suspends USPS Access to Electronic Data

In a bold step to protect the privacy rights of injured workers, the Office of Workers' Compensation Programs (OWCP) has indefinitely suspended the Postal Service's ability to review, receive, and transfer Federal Employees' Compensation Act (FECA) information and documents electronically. The decision was made in consultation with the Department of Justice (DOJ).

As a result of the suspension, the Postal Service is also unable to access the Agency Query System (AQS), which provides secure access to FEC injury claims, and will be unable to obtain specific case documents through electronic kiosks in OWCP District Offices. In addition, the USPS will have limited access to copies of correspondence sent to claimants. OWCP will, however, continue to share information with the Postal Services' Office of the Inspector General (OIG) and the Postal Inspection Service for investigatory activities within the scope of their authority.

The inability to access and transfer electronic data will make claim management more difficult for the Postal Service and will undoubtedly cause repercussions for some members. It is important for employees to understand the suspension has not changed reporting obligations for the Postal Service or the responsibilities of FECA claimants.

USPS Refuses to Sign

OWCP requires all employers to sign a Memorandum of Understanding (MOU) and security agreements to ensure conformance with the Privacy Act and to acknowledge OWCP's exclusive authority over the disclosure of workers' compensation documentation. The requirement is not new. OWCP has been seeking a USPS signature on the MOU and the Interconnection Security Agreement (ISA) for years, to no avail.

The USPS argued that it has independent authority to release information, even when it is in contravention of Department of Labor's (DOL) "routine use" allowances.

The USPS also asserted its obligation to share information with unions for grievance-handling and collective bargaining, which we don't dispute. However, we were disturbed to learn that postal officials acknowledged that file information is frequently used for 'other business purposes' including to impeach employees who file Merit System Protection Board (MSPB) appeals and Equal Employment Opportunity (EEO) complaints against the agency, and to conduct 'fishing expeditions' that target employees and treating physicians.

The Postal Service's unwillingness to yield to OWCP, along with its longstanding refusal to sign the MOU and ISA, and its admission to engaging in practices the DOL concluded violate employees' privacy, finally forced OWCP's hand and triggered the suspension.

What It All Means

Prior to the suspension, claim numbers, information regarding claim status, and accepted medical conditions were provided to the Postal Service electronically by the Department of Labor. The Postal Service in turn shared this information with its pharmacy contractor (PMSI) and its physical therapy contractor (Align Networks) to ensure services were only provided for claimed conditions.

Without access to the AQS, Postal Health Resource Management ((HRM) specialists (previously known as injury compensation specialists) will be unable to see workers' wage loss and medical bill payments. Recovery efforts involving injuries caused by third parties (subrogation claims) will now be sent to DOL for processing.

During the suspension, injured members will be unable to verify receipt of their claims or obtain information regarding their claims through postal representatives. While this may prove inconvenient when the claim is first initiated, members should rest assured that OWCP will continue to send claim numbers and case file information directly to injured employees by mail as it always has.

Injured members will continue to be able to access the same information that was previously accessible through the Postal Service by contacting DOL directly or by taking advantage of OWCP's Claimant Query System (CQS).

Authorized APWU users still have access to the AQS to assist members in obtaining current information regarding claim status, wage loss compensation and medical bill payments. Local and state presidents who have not previously enrolled their APWU organization are encouraged to do so by contacting the Human Relations Department in writing.

In response to the suspension, the Postal Service has been issuing letters to all newly injured workers that could be misleading to employees who never experienced the rigors of a workplace injury. So it is important for our injured members to understand that the suspension in no way increases their responsibility to provide information to the Postal Service.

Injured workers who choose to file a claim with OWCP are only required to provide initial notice of injury or death (Forms CA1, CA2, CA2a or CA5) to the Postal Service. When the injury or illness causes the worker to experience wage loss, the worker should also provide the supervisor or HRM specialist with a claim for wage loss benefits (Form CA7).

In circumstances where the employee is eligible for continuation of pay (COP) only a "prima fascia" medical note needs to be submitted by the employee to support the work-related absence. If the attending physician provides the injured worker with work restrictions or release-to-work information, the worker is required to give this information to the Postal Service.

The employee is under no obligation to submit any other documentation, including medical to OWCP through the employer. There are no new reporting requirements that have resulted as a consequence of the suspension. The Postal Service still must comply with all filing obligations. Our union representatives, with the help of our members, should work together to hold management accountable. Officials have just 10 business days to submit traumatic injury (Form CA 1) and occupational disease (Form CA 2) claims to OWCP, and just five business days to submit Form CA 7, Claim for Compensation.

Postal designees are still prohibited from contacting treating physicians, except in writing and are only permitted to do so to obtain work tolerance limitations and prognosis. The employer is mandated to automatically provide a copy of the request and any response received to the claimant. When an employee in need of medical attention reports a traumatic injury within 7 days of the incident, the employer still must, without exception, even if there is doubt that the injury is work related, issue form CA-16 Authorization for Examination and / or Treatment within 4 hours of receiving notice. Violations are grievable.

Communicating with OWCP

Employees can access OWCP's Interactive Voice Response (IVR) system, which is available every day round the clock, by dialing 866-335-8319. To be admitted to CQS, visit <http://owcp.dol.acs-inc.com>, select the "claimant" option and provide a claim number, date of birth and date of injury when prompted. These required fields are intended to ensure only claimants gain access to their personal information.

A “Bill Status Inquiry” screen will then appear for queries concerning bills—either resolved or in process. Eligibility and accepted conditions, as well as medical authorizations, can also be checked at this point. Claimants needing additional file information can direct themselves to the CQS main page by clicking “CQS” under “Inquiries” in the left margin of the screen. Users may query one case at a time by entering the 9-digit file number of the case they want to view. Only cases belonging to the user may be accessed.

Postal officials are not authorized to use the system and should be reported if they are using personnel information to obtain information through CQS in an effort to circumvent the suspension.

Employees can also upload inquiries to Claims Examiners (CE) and submit letters, medical reports and other supporting documentation directly to OWCP through *EComp*. *EComp* is available via the internet at www.ecomp.dol.gov.

Although the USPS does not participate in e-filing, postal employees should not be deterred from using the ‘Access Case & Upload Document’ portion of the system. Filers will receive a tracking number confirming all successful submissions. It is recommended that workers ensure their claim number, once known, is included on all pages being submitted to the Postal Service or through *EComp*. If a claim number is still pending, employees should instead include their name, date of injury and social security number on each page.

APWU Involvement

The APWU has met with DOL officials and held discussions with congressional staff regarding the issue. We expressed our support for protecting the privacy of postal employees and voiced our opposition to OWCP’s interference in the grievance process. We will continue to stay in communication as we explore our options. Despite several requests to meet with Postal Leadership they have remained unresponsive. We suspect the Postal Service will use the suspension and the OWCP and DOJ opinions to improve its position with legislators to create its own agency compensation program – an action that would be damning for all workers.

As we are apprised of changes to this situation, we will keep union members informed. Members with OWCP claims should continue to contact their local or state APWU representatives for guidance.

Union representatives with questions regarding OWCP processes should contact Sue Carney, APWU Human Relations Director at 202-842-4270. APWU stewards and officers that encounter difficulties obtaining information needed for grievance-handling should contact Mike Morris, Industrial Relations Director at (202) 842-4273.