

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

**Policy Number:** 1041.1      **ICE Workers' Compensation Program**

**Issue Date:** November 4, 2014  
**Effective Date:** November 4, 2014  
**Superseded:** This Directive establishes the U.S. Immigration and Customs Enforcement (ICE) Workers' Compensation Program (WCP). This Directive supersedes all previous policies, procedures, and any other guidance on this topic issued by the former U.S. Customs Service, the U.S. Immigration and Naturalization Service, ICE, or any of its Directorates and Program Offices prior to the effective date of this Directive.

**Federal Enterprise Architecture Number:** 306-112-002a

1. **Purpose/Background.** The WCP is applicable to all ICE federal employees and is in compliance with statutory guidance found in applicable provisions of the Federal Employees Compensation Act (FECA), as amended and extended (5 United States Code (U.S.C.) § 8101, et seq.). A separate WCP Standard Operating Procedure (SOP) provides applicable procedural guidance and requirements. Bargaining unit employees and their supervisors should consult their Collective Bargaining Agreement for additional information.
2. **Policy.** ICE is committed to providing a safe and healthy working environment for employees in accordance with the law and prevailing regulations. In cases of job-related injuries or diseases, claims will be processed expeditiously. In accordance with applicable law and regulations, management will explore possibilities to accommodate employees who suffer from job-related injuries or diseases with limited/light duty assignments in accordance with the physical limitations recommended by a physician. These efforts are in addition to but do not replace ICE's obligations under the Rehabilitation Act or Americans with Disabilities Act Amendments Act. The U.S. Department of Labor (DOL) Office of Workers' Compensation Programs (OWCP) guidelines govern requests for coverage under the WCP.
3. **Definitions.** The following definitions include official DOL OWCP definitions and apply for the purposes of this Directive only:
  - 3.1. **Assistive Technology.** Any product, device, or equipment that is acquired commercially, modified, or customized for the purpose of maintaining, increasing, or improving the functional capacity of individuals with disabilities.
  - 3.2. **Computer/Electronic Accommodations Program (CAP).** Program operated by the Department of Defense that serves as the Federal Government's centrally funded

accommodation program to provide assistive technology and devices free of charge for individuals with vision, hearing, cognitive, communication, and dexterity impairments. CAP can be found at <http://cap.mil>.

- 3.3. **Continuation of Pay (COP).** The continuation of an employee's regular pay for a period not to exceed 45 calendar days of disability. COP applies only to traumatic injuries and the employee must begin losing time from work within 45 days of injury.
- 3.4. **Controvert.** To dispute the validity of a claim for COP on the reasons set forth by FECA. (Refer to the Injury Compensation For Federal Employees Publication CA-810, Chapter 5.3.)
- 3.5. **Challenge.** To submit a formal written objection to a workers' compensation claim based upon FECA guidelines. (Refer to the Injury Compensation for Federal Employees Publication CA-810, Chapter 3 "Conditions of Coverage," and Appendix C, "Challenging Workers' Compensation Claims.")
- 3.6. **Death Gratuity.** A payment to eligible survivors of federal employees and non-appropriated fund instrumentality employees who die of injuries incurred in connection with service related to the Armed Forces in a contingency operation.
- 3.7. **Employees' Compensation Operations and Management Portal (ECOMP).** The Employees' Compensation Operations and Management Portal which is the electronic method used to file Forms CA-1, CA-2, CA-7, and CA-7a with DOL, OWCP by ICE as mandated by the Protecting Our Workers and Ensuring Reemployment Initiative – POWER Goal 8.
- 3.8. **Filed OWCP Claim.** A claim for compensation for lost time and/or medical expenses filed by an employee who has suffered an injury in the performance of duty resulting in the employee losing time and/or incurring medical expenses as a result of the injury or disease.
- 3.9. **Headquarters Responsible Officials.** Executive Associate Directors (EADs) of Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), and Management and Administration (M&A); and the Assistant Directors, Officers, or equivalent positions who report directly to the Director, Deputy Director, Chief of Staff, or EAD for M&A.
- 3.10. **Leave Buy Back (LBB).** The repurchase of annual and/or sick leave due to an accepted work-related injury or disease, subject to both ICE and DOL approval. (See Appendix B.)
- 3.11. **Limited/light duty or alternative positions.** Offers that must be made in writing to the employee including the description of duties the employee will be performing (which must be in accordance with medical restrictions). If the limited/light duty or alternative position offer is declined by the employee, DOL must be notified in writing.

- 3.12. Occupational disease or illness.** Disease or illness caused by a systemic infection; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc.; or other continued or repeated exposure to adverse conditions of the work environment spanning more than one workday or workshift.
- 3.13. Office of Workers' Compensation Programs (OWCP).** The DOL programs associated with the Federal Workers' Compensation Program.
- 3.14. Recurrence.** A spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause, or a return or increase of disability due to a consequential injury. A recurrence of disability differs from a new injury in that with a recurrence, no event other than the previous injury accounts for the disability.
- 3.15. Regular pay.** An employee's weekly earnings (20 Code of Federal Regulations (C.F.R.), Chapter 1, Part 10 § 10.216).
- 1) The pay rate for COP purposes is equal to an employee's regular "weekly" pay (the average of the weekly pay over the preceding 52 weeks).
  - 2) Overtime pay is not included.
  - 3) Law Enforcement Availability Pay and Administratively Uncontrollable Overtime are included from the time of injury.
  - 4) Eligible premium payments and differentials are included.
  - 5) Changes in pay due to within-grade increases or promotions, demotions, terminations of temporary details, etc., which would have occurred but for the injury, are included in COP.
- 3.16. Schedule Awards.** Compensation provided for specified periods of time for the permanent loss or loss of use of certain members and functions of the body. Partial loss or loss of use of these members and functions are compensated on a proportional basis.
- 3.17. Suitable Job.** A position whereby the duties and responsibilities of the job are compatible with the employee's medical limitations in relation to an accepted work-related injury/disease.
- 3.18. Suitability determination.** A formal decision rendered by OWCP on the basis that ICE offered an injured employee a permanent job based on medical restrictions due to an accepted work-related injury/disease. If an employee declines a suitable job offer, this could be grounds for termination of workers' compensation benefits by DOL.
- 3.19. Traumatic injury.** A wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place or occurrence



and member or function of the body affected. It must be caused by a specific event, incident, or series of events or incidents within a single workday or workshift.

- 3.20. webTA.** The official time and attendance reporting system in which employees record their time worked and leave taken and requested.
- 3.21. Workers' Compensation Claim – No Lost Time/No Medical Expense.** A claim filed by an employee who sustains an injury during the performance of duty and has not lost any time or had any medical expenses as a result of the injury. The claim is filed for the record in the event of future lost time and/or medical expenses.
- 3.22. Workers' Compensation Program (WCP).** The ICE Office of Human Capital (OHC) Program for workers' compensation claims and issues, including budget preparation, policy development, training at the ICE Academy Dallas, ad-hoc workers' compensation training, and intra-agency coordination for DOL's Agency Query System.
- 4. Responsibilities.** ICE has discretionary authority to expand, modify, or change any of the following responsibilities as circumstances dictate.
- 4.1. The Director of ICE, or his or her designee, is responsible for:**
- 1) Ensuring the development of goals, policies, standards, and criteria for the conduct of the ICE WCP.
  - 2) Ensuring ICE-wide compliance with OWCP statutory and regulatory requirements and standards.
  - 3) Ensuring that managers and supervisors are held accountable for effectively fulfilling their OWCP and WCP responsibilities.
  - 4) Coordinating and cooperating with DOL, Department of Homeland Security (DHS) and other agencies in the administration of the ICE WCP.
  - 5) Ensuring that employees are free to exercise their rights and responsibilities without fear of restraint, interference, coercion, discrimination, or reprisal in connection with filing an OWCP claim.
- 4.2. The Human Capital Officer (HCO) and his or her designee (the ICE WCP Manager), are responsible for:**
- 1) Administering and managing a comprehensive ICE WCP.
  - 2) Developing policies, procedures, rules, and guidelines that are deemed necessary for the implementation and administration of the ICE WCP.

- 3) Ensuring that budget submissions include appropriate fiduciary and other resources in order to administer the ICE WCP.
- 4) Advising and assisting management on all relevant aspects of the ICE WCP.
- 5) Conducting and/or coordinating WCP evaluations of field locations to determine the effectiveness of the program and compliance with OWCP regulations and report findings along with any appropriate required follow-up and/or corrective actions.
- 6) Representing ICE at meetings of the federal OWCP Interagency Advisory Group.
- 7) Representing ICE at federal interagency workgroups formed to address OWCP issues of government-wide concern.
- 8) Coordinating the ICE WCP Annual Conference for designated ICE WCP POCs. (Conference subject to funding availability.)
- 9) Attending and participating in OWCP meetings and conferences called by federal and non-federal organizations pertinent to OWCP activities.
- 10) Utilizing an automated OWCP management information system to support federal DHS, and ICE needs for collecting, assimilating, and analyzing OWCP data.
- 11) Advising WCP POCs (located within ICE programs, e.g., HSI, ERO, etc.) of changes in FECA and OWCP procedures to ensure that compliance is met.
- 12) Conducting research on WCP compensation issues, as deemed appropriate.
- 13) Conducting ad-hoc training and webinars.

**4.3. Headquarters Responsible Officials** are responsible for:

- 1) Establishing necessary internal procedures for the administration of a constructive WCP.
- 2) Designating local WCP POCs to manage organizational programs as a collateral duty.
- 3) Ensuring that all managers and supervisors have WCP standards included in their annual performance work plans that are consistent with assigned responsibilities and authority.
- 4) Ensuring that all managers and supervisors are held accountable for effectively fulfilling their OWCP and WCP responsibilities.
- 5) Ensuring that appropriate OWCP training is provided to all local POCs,

employees, supervisors, and managers on a timely basis.

- 6) Developing WCP procedures that are deemed necessary and conform to the framework of applicable regulations and collective bargaining agreements.
- 7) Fostering an attitude among all employees, supervisors, and managers that promotes the overall benefits of a successful WCP.
- 8) Ensuring that all employees, supervisors, and managers understand and comply with applicable OWCP regulations, including indoctrination of new employees.
- 9) Ensuring that employees and supervisors report accidents promptly.
- 10) Ensuring that the designated WCP POC and collateral duty safety officer are notified of all incidents and accidents.
- 11) Conducting research on WCP issues, as appropriate.

**4.4. Supervisors, or their designees, are responsible for:**

- 1) Complying with all WCP requirements within the scope of their authority.
- 2) Enforcing OWCP laws and regulations and ICE WCP policies.
- 3) Ensuring OWCP claims are filed without fear of restraint, interference, coercion, discrimination or reprisal.
- 4) Investigating and reporting all accidents occurring in their area, completing the required reports, and taking any necessary corrective action.
- 5) Initiating a claim on an injured employee's behalf (if he/she is unable to do so).
- 6) Completing and forwarding Forms CA-1 and CA-2 within 3 days after receipt to the local WCP POC. Completing and forwarding Form CA-7s within 2 days after receipt to the local WCP POC.
- 7) Issuing Form CA-16, "Authorization for Examination and/or Treatment," to the employee for traumatic injuries, when appropriate. (Note: If function is not delegated locally to the local WCP POC.)
- 8) Challenging claims (Forms CA-1, CA-2, CA-2a, and CA-7) that are questionable (e.g., mechanism of injury, date of injury, differing account of events surrounding the injury, etc.).
- 9) Determining if COP is justifiable for an employee who has sustained a disabling traumatic injury, but who has failed to submit the required medical evidence

within 10 workdays.

- 10) Collaborating with the local WCP POC to determine if there is limited/light duty or an alternative position available for the employee on a case-by-case basis that aligns with the medical restrictions imposed by the employee's treating physician for the work-related injury.
- 11) Reviewing the employee's performance plan to ensure that his/her goals align with current duties, especially if the duties are modified due to an injury.
- 12) Reviewing and approving reasonable accommodation requests, in consultation with the Office of Diversity and Civil Rights (ODCR) Reasonable Accommodations Coordinator, as a result of the OWCP case initiated by the employee for assistive technology (through the CAP) if needed to return to duty.
- 13) Assisting the employee with procuring alternative accommodations not covered under CAP, subject to budgetary availability, in order for the employee to return to work and resume duties (full or limited/light or an alternative position) on a case-by-case basis.
- 14) Initiating a Standard Form (SF) 52, "Request for Personnel Action," for leave without pay (LWOP) after an injured worker accrues 80 consecutive hours of LWOP due to a work-related injury. Consult with the servicing personnel POC (OHC Dallas or Laguna) concerning the initiation of this form.
- 15) Ensuring the proper use, protection, and disclosure of employee medical information concerning OWCP claims, pursuant to the Privacy Act of 1974, applicable DHS policies and guidance, and DOL//GOVT-1.
- 16) If an employee is determined to have permanent medical restrictions resulting from a work-related or occupational illness approved for benefits pursuant to the FECA, every effort will be made to permanently reassign that employee. Before vacant positions may be filled by merit staffing competitive procedures, selecting officials must first give consideration to employees who have been determined to have permanent medical restrictions resulting from a work-related injury or occupational illness and qualify for permanent reassignment to those positions.

**4.5. Human Resources Specialists** within OHC Dallas and Laguna are responsible for:

- 1) Advising management on correct physical/medical qualification standards set by the Office of Personnel Management.
- 2) Coordinating with management in the proper selection and placement of employees following an injury.



- 3) Ensuring that an employee obtains the appropriate physical examination when hired or transferred to a position normally requiring a certificate of medical examination.
- 4) Assisting the local WCP POCs with benefits information for completion of applicable OWCP forms.
- 5) Assisting management in placing work-related injured employees in positions suited to their capabilities, including limited/light duty or alternative positions, whenever possible, as provided in the ICE Workers' Compensation Program SOP.
- 6) Ensuring the proper use, disclosure, and retention of employee medical information concerning OWCP claims, pursuant to the Privacy Act of 1974 and applicable DHS policies and guidance.
- 7) Ensuring the appropriate processing of personnel actions that would define the employee's status (e.g., LWOP).
- 8) Ensuring that before vacant positions may be filled by merit staffing competitive procedures selecting officials give consideration to employees who have been determined to have permanent medical restrictions resulting from a work-related injury or occupational illness and qualify for permanent reassignment to such positions.

**4.6. Employees are responsible for:**

- 1) Promptly reporting any work-related injury or occupational disease/illness to their immediate supervisor and obtaining medical treatment as soon as possible, if necessary. This also applies to an employee on detail or official travel.
- 2) Seeking treatment at the ICE health unit for non-life-threatening injuries if an ICE sponsored health unit is available to them, or at a medical facility, after notifying the supervisor of the injury, if practicable.
- 3) Initiating the WCP process by registering at <https://www.ecomp.dol.gov/> and filing the applicable OWCP form.
- 4) Completing and submitting applicable OWCP claim forms in a timely manner to the immediate supervisor.
- 5) Working closely with their local WCP POC who will provide instructions and information.
- 6) Keeping his/her immediate supervisor informed, after filing a claim, of his/her medical status, which includes providing periodic medical reports from the attending physician. Ensuring that the treating physician for the injury/disease participates in



the Federal Employees' Compensation Act Program to avoid delays in service and/or consideration of medical bill payments by DOL OWCP.

- 7) Seeking restoration to duty as soon as the medical condition permits. This includes returning to less than a full day of work or limited/light duty work or an alternate position, which may be accommodated depending on the medical restrictions and duties of the position.
- 8) Informing his/her supervisor of need for reasonable accommodations and provide justification/medical documentation, as needed in consultation with the ODCR Reasonable Accommodations Coordinator.
- 9) Recording/tracking time and attendance in accordance with ICE timekeeping procedures. If medically unable to perform timecard action, employees may request services of the timekeeper to record time.
- 10) Requesting COP, LWOP, or any leave combination thereof, as appropriate, from the immediate supervisor to cover time loss due to a work-related injury or disease. Maintaining contact with the immediate supervisor during the COP period and throughout the claims process.
- 11) Informing his/her supervisor and local WCP POC of leave intentions at least 5 calendar days prior to the COP expiring. Submitting Form CA-7 (available at <https://www.ecomp.dol.gov/>) to the supervisor indicating the type(s) of leave that will be used to cover the period of absence beyond the 45<sup>th</sup> day of COP.
- 12) Accepting limited/light duty work offered by ICE to accommodate the medical restrictions. An employee's failure to accept the work offer will result in the loss of his/her entitlement to COP, concurrent with the date when suitable work becomes available.
- 13) Utilizing the CAP program for assistance devices, if needed to return to duty.
- 14) Ensuring medical bills are submitted to Affiliated Computer Services (ACS) promptly for consideration of payment once a claim number has been assigned by OWCP. The local WCP POC can assist with obtaining the DOL claim number. (Note: Medical providers must enroll in ACS in order for bills to be considered for payment.)

**4.7. WCP POCs (Headquarters and field operations) are responsible for:**

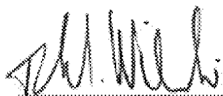
- 1) Taking the Basic Injury Compensation Specialist Workshop\* at an OWCP district office (if funding is available locally) or taking the on-line course located on the ICE Intranet at: (b)(7)(E) within 30 days of assuming this duty. (\*Note: This depends upon the frequency of classes and number of training slots that are available.)

- 2) Providing technical advice and assistance to local management and employees on OWCP and WCP matters.
- 3) Initiating a claim on an injured employee's behalf (if he/she is unable to do so).
- 4) Providing the required OWCP forms to employees and supervisors, or advice on how to obtain them electronically, and assisting with the completion of the OWCP forms.
- 5) Certifying and forwarding the OWCP forms to DOL within 10 workdays of the date when notice is received (Block 23) for Form CA-1, within 10 workdays of the date when notice is received (Block 26) for Form CA-2, and within 5 workdays of the date notice received (Section 15) for Form CA-7, for appropriate action. (The POC should contact the employee and/or return the form to the employee for missing information.)
- 6) Developing and maintaining a record of each injury/disease in accordance with relevant provisions as provided in the ICE Workers' Compensation Program SOP.
- 7) Reviewing all cases and associated costs, and maintaining contact with the employee and supervisor to determine the earliest practicable date for the employee's return to work.
- 8) Maintaining contact with the injured employee to provide information on required forms and actions to ensure timely, accurate, and efficient submission of forms and related information for the duration of the claim due to a work-related injury or disease.
- 9) Issuing Form CA-16, "Authorization for Examination and/or Treatment," to the employee for traumatic injuries, when appropriate. (Note: If this function is delegated locally to the local WCP POC.)
- 10) Filing Form CA-3, "Report of Work Status," with DOL, OWCP when an injured employee returns to work after a period of disability.
- 11) Monitoring claims for compensation and providing advice on the entire claim process. Instructing employees to submit Form CA-7 in order to continue compensation for absences extending beyond the period covered under COP. This request may consist of LWOP and any loss elements of regular pay.
- 12) Consulting with the employee 5 days before the expiration of COP to determine the appropriate leave status to be applied upon its expiration. The employee must have supervisory approval to take such leave and include the timekeeper in any decisions rendered.
- 13) Filing Form CA-7 electronically.

- 14) Informing employees of the option to buy back used leave within 1 calendar year after the last day of its use.
  - 15) Assisting management officials in controverting COP where appropriate and challenging claims where applicable.
  - 16) Tracking pending and approved claims, including COP, to ensure compliance with applicable OWCP requirements and coordinating with the injured employee's timekeeper to ensure COP is recorded accurately in webTA.
  - 17) Examining the OWCP chargeback report appropriately to ensure that the claimants are ICE employees and are assigned to the proper chargeback code and tracking case status codes from the chargeback standpoint.
  - 18) Assisting management in structuring and providing limited/light duty assignments to employees who sustain job-related injuries or diseases in accordance with medical restrictions.
  - 19) Assisting management in preparing written limited/light or alternative duty offers and submitting a copy of the final limited/light or alternative duty offer simultaneously to the employee and the OWCP district office handling the claim. Email is not acceptable.
  - 20) Serving as a liaison with OHC on OWCP claims.
  - 21) Assisting in audit requests by providing data as requested by OHC for official DHS, ICE, etc. audits. **Note: All responses to information requests must be cleared by the OHC WCP prior to release of information.**
  - 22) Ensuring retention rights under 5 U.S.C. § 8151 are preserved (an employee who recovers within 1 year of starting compensation has mandatory rights to his or her old position or its equivalent regardless of whether he or she is on the agency rolls).
  - 23) Ensuring the proper use, protection, and disclosure of employee medical information concerning OWCP claims, pursuant to the Privacy Act of 1974, applicable DHS policies and guidance, and DOL//GOVT-1.
5. **Procedures/Requirements.** The ICE Workers' Compensation Program SOP provides detailed procedures and program requirements.
  6. **Recordkeeping.** The ICE Workers' Compensation Program SOP provides detailed recordkeeping procedures.
  7. **Authorities/References.**



- 7.1. FECA, as amended, 5 U.S.C., Chapter 81, February 5, 1993.
- 7.2. Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), as amended by the Workforce Investment Act of 1998 (Public Law 105-220), August 7, 1998.
- 7.3. 5 U.S.C. § 8104.
- 7.4. 18 U.S.C. § 287 and § 1001.
- 7.5. 20 C.F.R. Chapter 1, Part 10, Claims for Compensation under the Federal Employees' Compensation Act.
- 7.6. 20 C.F.R. § 10.15 and § 10.16.
- 7.7. 20 C.F.R. § 10.23 Penalties.
- 7.8. 5 Code of Regulations (C.F.R) Part 293, Subpart E, Personnel Records.
- 7.9. United States Department of Labor, Office of Workers' Compensation Programs, Division of Federal Employees' Compensation (DFEC), <http://www.dol.gov/owcp/dfec/>.
- 7.10. United States Office of Personnel Management Guide to Personnel Recordkeeping, Operating Manual, dated September 2008.
- 7.11. ICE Directive Number 8-7.0, "Section 508 Electronic and Information Technology Accessibility," dated March 12, 2009.
- 7.12. ICE Directive Number 1-15.0 "Table of Offenses and Penalties (TOP)", dated December 8, 2006.
- 7.13. Privacy Act of 1974, as amended, U.S.C. § 552a.
- 7.14. Handbook for Safeguarding Sensitive Personally Identifiable Information at DHS, October 2008. (b)(7)(E)
8. **Attachments.** Workers' Compensation Standard Operating Procedures.
9. **No Private Right Statement.** These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



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## Overview of Continuation of Pay (COP)

The FECA provides that an employee's regular pay may continue for up to 45 calendar days of wage loss due to disability and/or medical treatment after a traumatic injury. The intent of this provision is to avoid interruption of the employee's income while the claim is being adjudicated. COP is subject to the usual deductions from pay, such as income tax and retirement allotments. After entitlement to COP ends, the employee may request leave without pay (LWOP) and apply for compensation and/or request leave.

### Eligibility

An employee is entitled to receive COP when he or she is absent from work due to disability or medical treatment, or when he or she is reassigned by formal personnel action to a position with a lower rate of pay due to partial disability. Because informal assignment to limited/light duties without a personnel action does not result in pay loss, time worked in such a position may not be changed to COP. However, an employee whose work schedule is changed, resulting in a loss of salary or premium pay (e.g., holiday pay or night differential, though not Sunday pay), is entitled to COP for such wage loss whether or not the schedule was changed by a formal personnel action.

Temporary employees are entitled to COP on the same basis as permanent employees.

An employee may use annual or sick leave to cover all or part of an absence due to injury.

- If an employee elects to use leave, each full or partial day for which leave is taken will be counted against the 45 days of entitlement to COP. Therefore, while an employee may use COP intermittently along with sick or annual leave, entitlement is not extended beyond 45 days of combined absences.
- An election of sick or annual leave during the 45-day period is not irrevocable. If an employee who has elected leave later wishes to elect COP, the supervisor must make such a change on a prospective basis from the date of the employee's request.
- Where the employee wishes to have leave restored retroactively, the supervisor must honor the request provided he or she receives prima facie medical evidence of injury-related disability for the period in question.

A request to elect COP retroactively in lieu of leave must be made within one year of the date the leave was used or the date of written approval of the claim by OWCP, whichever is later.

**Appendix B****Leave Buy Back (LBB)**

The repurchase of annual and/or sick leave due to an accepted work-related injury or disease, subject to both ICE and DOL approval. An employee who chooses to use sick or annual leave may request LBB by submitting Forms CA-7, CA-7a, "Time Analysis Form," and CA-7b, "Leave Buy Back (LBB) Worksheet/Certificate and Election," to the local WCP Point of Contact (POC) who will forward it to the DOL OWCP. Annual leave or sick leave is paid 100 percent by ICE. However, OWCP's compensation rate is reimbursed at three-fourths or two-thirds of an injured employee's salary; therefore, an injured employee will owe the agency the difference between these two amounts. When this difference is paid, the employer will then restore the leave to the employee's account. The repurchase of leave can also affect an employee's income taxes. LBBs must be initiated within one calendar year after the last day of its use. Donated leave may not be repurchased.



**Appendix C****Challenging Workers' Compensation Claims**

Objections to Workers' Compensation Claims are submitted via Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," CA-2, "Notice of Occupational Disease and Claim for Compensation," CA-2a, "Notice of Recurrence," and CA-7, "Claim for Compensation" with supporting documentary evidence to DOL, OWCP. Supporting evidence could consist of, but not be limited to police reports, time and attendance logs, environmental studies, safety mishap reports, training records, etc. A simple statement of disagreement is not adequate.