

Issue Statement:

Did Management violate the National Agreement (Article 19) when they failed to issue the grievant a CA-16 within the defined time lines outlined in the ELM? If so what is the appropriate remedy?

Facts:

1. Grievant or representative notified management that the Grievant suffered a traumatic injury and needed medical attention on _____.
2. The name and address of the treating physician were provided to management on _____.
3. Management did not issue the CA-16 within 48 hours of the injury.
4. There have been multiple Step B decisions in the Minneapolis Installation stating that Management will cease and desist from failing to provide Form CA-16 when properly requested. (E06N-4E-C 11142119, E06N-4E-C 11164725, E06N-4E-C 1164759, E06N-4E-C 11262954, E06N-4E-C11242032)

Contentions:

The CA-16 is to be used for all traumatic injuries requiring medical attention (see ELM 545.21)

Management is required to issue authorization within 4 hours of the injury. That authorization may be verbal. If the authorization is verbal the completed CA-16 should be issued within 48 hours of the injury.

Based on the previous Step B decisions, which are precedent setting for the Minneapolis Installation (see JCAM 15-8), Management actions delaying the issuance of the CA-16 are also in violation of those Step B decisions.

Remedy:

Issue the CA-16 to the Grievant

Make the Grievant whole for any medical bills.

Source Material for CA-16 Grievances

545.2 Authorizing Examination and/or Treatment With Form CA-16

545.21 Traumatic Injury

When an employee sustains a work-related traumatic injury that requires medical examination, medical treatment, or both, the control office or control point must authorize such examination and/or treatment by issuing a Form CA-16. Form CA-16 is used for all traumatic injuries requiring medical attention. The control office or control point must advise the employee of the right to an initial choice of physician (see 543.3). The control office or control point must promptly authorize medical treatment by issuing the employee a properly executed Form CA-16 within 4 hours of the claimed injury. If the control office or control point gives verbal authorization for care, Form CA-16 should be issued within 48 hours. The control office or control point is not required to issue a Form CA-16 more than one week after the occurrence of the claimed injury.

Exception: Issuance of Form CA-16 is not required for job-related first aid injuries where initial medical care is provided by either a postal physician or a contract physician and the employee voluntarily accepts this care (see 545.43).

545.22 Occupational Disease or Illness

In cases of occupational disease or illness, the control office or control point contacts OWCP district office for instructions if treatment authorization is requested by the employee.

545.33 Employee Responsibility

The employee is responsible for the following:

- a. Ensuring that the treating physician specifies work limitations and provides them to the control office or control point.
- b. Providing the treating physician with a description of any specific alternative positions offered.
- c. Ensuring a prompt response from the treating physician with an opinion on whether and how soon the employee can be expected to return to work in any capacity, either an offered position or offered modified duties.
- d. Seeking and accepting suitable work.

545.4 Implementing Medical Care

545.41 Emergency Treatment

An employee needing emergency treatment must be sent to the nearest available physician or hospital or to a physician or hospital chosen by the employee or the employee's representative. The physician who provides emergency treatment is not considered the employee's initial choice of physician. A supervisor may accompany the employee to the doctor's office or hospital to make certain that the employee receives prompt medical treatment. Animal bites or eye injuries are always considered medical emergencies. In the event that there is doubt as to the emergent nature of the injury, it should be handled as an emergency.

545.42 Initial Medical Examination and/or Treatment

Initial medical examination and/or treatment must be authorized in accordance with FECA provisions and applicable OWCP regulations and policies governing medical care. (See 545.2 for control office or control point instructions on authorizing medical examination or treatment.)

545.44 Outside Treatment in a Nonemergency Situation

In a nonemergency situation, if an employee does not accept treatment at a Postal Service occupational health services office or contract facility, the employee may select a physician or hospital within approximately 25 miles of his or her home or worksite. The physician's office should be contacted by telephone by the control office or control point to determine if the physician is available and will accept the employee for treatment under FECA. If not, the employee must select another qualified physician or hospital. A postal supervisor is not authorized to accompany the employee to a medical facility or physician's office in nonemergency situations. Although the injured employee selects an outside physician for initial medical treatment, in nonemergency situations he or she may be required first to be examined by a postal physician or contract equivalent. In such instances:

- a. The examination must be performed promptly following the report of injury.
- b. Form CA-16, *Authorization for Examination and/or Treatment*, must be issued to the employee's physician of choice promptly following the report of injury, as specified in 545.2.
- c. The examination must in no way interfere with the employee's right to seek prompt examination and/or treatment from a physician of choice.