

U.S. Department of Labor

Employment Standards Administration  
Office of Workers' Compensation Program-N00  
Division of Federal Employees' Compensation  
P.O. Box 8300  
London, Kentucky 40742-8300

M-01681



APR 08 2008

Fredric V. Rolando  
Executive Vice President  
National Association of Letter Carriers  
100 Indiana Avenue, N.W.  
Washington, DC 20001-2144

Dear Mr. Rolando:

I am writing in response to your January 3, 2008 letter requesting clarification of the revision to 5 U.S.C. § 8117 as a result of the passage of the Postal Accountability and Enhancement Act. I apologize for the delay in responding to your inquiry.

You specifically requested verification that U.S.P.S. employees have the option of using annual leave, sick leave or leave without pay during the three-day waiting period prior to entitlement to wage loss compensation for temporary disability. The Postal Accountability and Enhancement Act modified section 8117 of the Federal Employees' Compensation Act (FECA) to read:

A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.

Based on this amendment to the FECA, a U.S.P.S. employee may use annual leave, sick leave or leave without pay during the statutory three-day waiting period prior to accruing the right to compensation for temporary disability lasting less than fourteen days.

I trust this is responsive to your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "E. G. Duncan", written over a horizontal line.

Edward G. Duncan  
Deputy Director,  
Federal Employees' Compensation