NATIONAL GUARD BUREAU
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NGB-J1-TN 23 February 2011

MEMORANDUM FOR THE HUMAN RESOURCE OFFICERS OF ALL STATES, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: Policy for Placing Technicians on Light Duty (TN-11-02)

1. This memorandum prescribes the procedures to use when light duty assignment becomes necessary as a result of a claimed workplace injury under the Office of Workers' Compensation Program. Light duty is defined as a temporary modified or alternate work position at the same or lower grade for which the technician is qualified to perform.

2. It is the policy of National Guard Bureau to provide light (modified) duty assignments to technicians who present written medical limitations from their treating physician. The physician documentation must indicate the limitations are "temporary" and are the result of the claimed occupational injury which prevents them from performing the full range of duties within their assigned classified position.

3. It is the technician's responsibility to report an injury immediately to the supervisor, complete all required documentation as soon as possible, and ensure all medical evidence is provided in order to evaluate his or her work status. The injured technician is required to inform the treating physician that light duty is available. The technician is to maintain contact with the supervisor to ensure medical status updates are received as required whenever there is a change in the condition or continued total disability.

4. Once the medical report indicates the technician is no longer totally disabled, he/she will be required to accept any reasonable suitable limited duty. The limited duty will be based on the physician's report stating types of work that can or cannot be performed, and the extent of physical limitations that may be performed while in the limited duty.

5. The immediate supervisor has the responsibility of identifying and offering the light duty assignment to the injured technician in writing. The offer may be made by telephone but must be confirmed in writing within 48 hours to be valid. The light duty offer should include a description of the duties and requirements of the position being offered and if a personnel action is involved, the employee is required to be furnished a copy prior to the offer's effective date. The technician is required to adhere to limited duty until cleared for full duty by the medical provider in writing.

6. The Duty Status Report (CA-17) or Work Capacity Evaluation form (OWCP-5) should be completed by the treating physician and supervisor every 4 weeks (30 days) to ensure documentation of assigned duty and limitations is provided to the Injury Compensation Program Administrator for submission to Department of Labor unless there is a change in the medical condition. If a supervisor is unable to provide temporary limited duty in the technician's current position due to mission requirements, the Human Resources Office (HRO) should be informed immediately for assistance.

7. The HRO has final authority for light duty determinations and will assist in the placement of the injured technician in modified duty that they are qualified to perform in another directorate or area as warranted.

8. If the employee refuses light or modified duty, continuation of pay should be terminated as of the date of the refusal, or after five workdays from the date of the offer, whichever is earlier. Continuation of pay may also be suspended if medical evidence substantiating the disability is not submitted within ten (10) workdays of the disability. A refusal to return to suitable modified work is noncompliant with the Office of Worker's Compensation Program 20 C.F.R 10.222 and could result in an overpayment or lead to disciplinary or adverse action under the provision of TPR 752 (Discipline and Adverse Actions) and continued wage compensation will be terminated.

9. Questions regarding this policy may be directed to Ms. Candace Schupay, NGB-J1-TNB at 703-607-0777 (DSN 327) or email Candace.Schupay@us.army.mil.

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