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NGHI-HRO

12 June 2018

POLICY DIRECTIVE # 2018-03

SUBJECT: Placing Federal Title 32 Technicians or Title 5 National Guard Employees on Modified or Light Duty Due to Workplace Injury or Illness

1. References.

- a. [Department of Defense Instruction \(DODI\) 1400.25-M, 810, Injury Compensation, dated 16 April 2009.](#)
- b. [Department of Defense Instruction \(DODI\) 6055.1, DoD Safety and Occupations Health \(SOH\) Program, dated 19 August 1998.](#)
- c. [National Guard Bureau Policy TN 11-02, Policy for Placing Technicians on Light Duty, dated 23 February 2011.](#)

2. Purpose. This memorandum establishes guidance and general policy for Hawaii National Guard (HING) full-time Title 32 Technicians (T32), Title 5 National Guard Employees (T5), Supervisors, and Managers in offering and placing T5/T32 on modified or light duty due to workplace injury or illness. It defines the procedures to use when a modified or light duty assignment becomes necessary as a result of a claimed workplace injury under the Office of Worker's Compensation Program (OWCP). Modified or Light Duty is defined as a temporary modified or alternate work position at the same or lower grade in which the T5/T32 is qualified to perform.

3. Superseded. This policy supersedes Hawaii National Guard Policy Memorandum 2011-01, Placing Technicians on Light Duty, dated 1 August 2011.

4. It is current policy to provide modified or light duty assignments to T5/T32 who have sustained job-related injuries or illnesses that prevent them from performing the full range of duties within their job classification. It is the responsibility of the technician/employee to report any work related injury or illness immediately to their supervisor, complete required documentation as soon as possible, and ensure all medical evidence is provided to evaluate his/her status. The medical condition must be diagnosed as "temporary" by the treating physician. The technician should provide their

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supervisor with regular updates concerning medical reports on their health condition and treatment regimens. Written medical report must indicate the extent of physical limitations and the types of work that could reasonably be performed within these limitations.

5. T5/T32 Responsibilities. It is the injured technician/employee's responsibility to:

- a. Immediately report an injury to his/her immediate supervisor and complete required documentation as soon as possible.
- b. Maintain contact with his/her supervisor and provide written medical documentation which substantiates his or her work status. Medical documentation must be uploaded in ECOMP (Employees' Compensation Operations and Management Portal).
- c. Inform the treating physician that modified or light duty assignments are available.
- d. When medical documentation indicates the technician/employee is no longer totally disabled, he/she is required to accept any reasonable offer or suitable light duty or limited duty assignment. The assignment will be based on the treating physicians' report stating types of work that can or cannot be performed, and the extent of physical limitations that may be performed while in limited duty.

6. Supervisor's Responsibilities. It is the immediate supervisor's responsibility to:

- a. Identify and offer the light duty assignment to the injured technician/employee. The supervisor must ensure the modified assignment complies with the work restrictions imposed by the treating physician, and the technician/employee understands and complies with the medical restrictions. The offer can be made by telephone but must be confirmed in writing within 48 hours to be valid.
- b. Ensure the injured T5/T32 is not permitted to work outside of identified limitations. During modified or light duty assignments, the injured technician/employee should not be allowed to perform military duties unless it falls within the scope of his/her limitations. Extended duty day drills and temporary duty travel should not be allowed.
- c. Document and track all modified or light duty assignments and forward all medical documentation to the Human Resources Office (HRO) Injury Compensation Program Administrator (ICPA). Supervisor will complete and review the [Light Duty File Record](#) with the injured technician/employee. A signed copy will be forward to the ICPA when technician/employee is given a modified or light duty assignment. Supervisor will also make sure ICPA receives timely notification when medical documentation indicates

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the employee is released to full duty.

7. HRO/ICPA Responsibilities. The HRO has final authority in making modified or light duty determinations and will assist with placing the injured technician/employee in a modified position in another section:

d. If an injured technician/employee is placed in another section, the HRO must ensure all medical restrictions imposed by the physician will be adhered to.

e. In accordance with the Freedom of Information Act and the Privacy Act of 1984, HRO will only disclose work status and medical limitations on a need to know basis.

f. The ICPA will also coordinate with OWCP issues with the injured T5/T32, supervisor, medical providers, DOD/NGB liaisons and the Department of Labor (DOL). The ICPA will make sure a [CA-17](#), Duty Status Report or OWCP-5[a,b](#), or [c](#), Work Capacity Evaluation Form is completed by the supervisor and treating physician every 4 weeks (30 days) to ensure documentation of assigned duty and limitations are submitted to the DOL in a timely manner.

g. The ICPA will maintain all medical documentation and Light Duty for each reported injury in the employee's physical folder held within HRO.

8. If the injured T5/T32 refuses modified or light duty, continuation of pay (COP) should be terminated as of the date of the technician/employee's 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 non-compliant with OWCP's [20 CFR 10.222](#) and could result in an overpayment or lead to disciplinary or adverse action under the provisions of [TPR 752](#), and continued wage compensation will be terminated.

9. Line of Duty (LOD) injury, personal injury, or medical conditions warranting modified or light duty of T5/T32 duties are not covered by this policy. If a T5/T32 non-work related injury or illness surpasses their current leave accumulation, they may request for advanced sick leave. All requests for advancement of sick leave will be submitted through normal channels to the HRO. The granting of advanced sick leave is subject to the following conditions:

a. Request for advancement will be supported by medical documentation.

b. All available accumulated sick leave will be exhausted before advancement.

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c. Annual leave that would otherwise be forfeited (use or lose) is used.

d. There is a reasonable assurance that the technician/employee will return to duty to earn and repay advance credits.

10. T5/T32 who have exhausted all available forms of paid leave are also eligible to be considered as recipients under the Voluntary Leave Program. T5/T32 may apply by completing [OPM 630](#) and submitting it to their first line supervisor. Documentation of the non-work related injury or illness provided by the attending physician stating the extent and approximate duration should accompany the application. The HRO will serve as the deciding official for all HING technicians/ employees. Furthermore, the supervisor will monitor the status of the injury or illness and will notify HRO when the emergency has terminated.

11. Additional options may be available for supervisors who have technicians affected by non-work related injury or illness. These will generally be handled under agency reasonable accommodation procedures. Requests must be submitted to the HRO to determine if the technician/employee could be detailed, reassigned, or changed to a lower grade. The HRO will review each request on a case by case basis and will be the final approval authority. No decisions will be made without HRO coordination and approval since placement may affect such things as compatibility, qualifications, training and pay.

12. Point of contact for this memorandum is the Injury Compensation Program Administrator, Ms. Jessica D'Amato at jessica.m.damato2.mil@mail.mil or (808) 672-1238.

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