



DEPARTMENT OF DEFENSE, VETERANS AND EMERGENCY MANAGEMENT  
JOINT FORCE HEADQUARTERS, MAINE NATIONAL GUARD  
33 STATE HOUSE STATION  
AUGUSTA, ME 04333-0033

MENG-HRO 2 May 2013

HRO 13-01

MEMORANDUM All Directors, Dual Status and Non-Dual Status Technicians, Supervisors and Managers of Maine Army and Air National Guard Technicians

SUBJECT: Placing Technicians on Light Duty

1. Reference: National Guard Bureau policy TN-09-02, Instructions for Placing Technicians on Light Duty, dated 14 January 2009.
2. Purpose: This information policy only applies to Title 32 Federal Technicians. The following guidance provides Maine National Guard (MENG) technician supervisors with information required to identify and notify HRO of any technician who is physically unable to perform the full range of their technician duties as a result of a work or non-work related injury or illness. Active Guard and Reserve (AGR) workforce, State Employees, Contractors, and Active Duty personnel are covered by their own unique program entitlements.
3. It is current policy, aligned with Federal Employment Compensation Act (FECA) requirements, to provide light (modified) duty assignments to technicians 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 to report any work related injury immediately to the 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 supervisor with regular updates concerning medical reports on health conditions, treatment regimens and duty restrictions.
4. When a technician files a Notice of Traumatic Injury (CA-1) for a work related injury they are certifying under penalty of law, that the injury was sustained in performance of duty as an employee of the United States Government. Any person who knowingly makes any false statement, misrepresentation, concealment of fact or any other act of fraud to obtain compensation as provided by the Federal Employees Compensation Act (FECA) or who knowingly accepts compensation to which that person is not entitled is subject to civil or administrative remedies as well as felony criminal prosecution and may, under appropriate criminal provisions, be punished by a fine or imprisonment or both. A supervisor who knowingly certifies to any false statement, misrepresentation or concealment of fact in respect to the claim may also be subject to appropriate felony criminal prosecution.

MENG-HRO

SUBJECT: Placing Technicians on Light Duty

5. Technicians are responsible for notifying their supervisor if they sustain a non-work related injury or illness that results in any physical restriction affecting their technician duties. Supervisors must not allow technicians with physical restrictions resulting from a non-work related injury or illness to continue to perform their duties. However, the supervisor will make recommendations to HRO regarding the employee's ability to perform duties within the supervisor's area of responsibility consistent with mission accomplishment. These temporary duties will be IAW any medical limitations provided by the employee's physician or health care provider. The supervisor will evaluate the nature and severity of the injury consulting with occupational health resources and HRO who will assist the supervisor in determining whether the employee can remain at his/her work area, be detailed to a position that supports his/her PD or be placed in a leave status.

6. If the technician's non-work related injury or illness surpasses their current leave accumulation, they may request advanced sick leave. All requests for advancement will be submitted through normal channels to HRO for final approval. The granting of advanced sick leave is subject to all of the following conditions:

- a. Request for advancement will be supported by medical documentation.
- b. All available accumulated sick leave must be exhausted before advancement.
- c. Annual leave that would otherwise be forfeited (use or lose) is used.
- d. There is reasonable assurance that the technician will return to duty to earn back advanced sick leave.

7. Technicians who have exhausted all available forms of paid leave are also eligible to be considered as recipients under the Voluntary Leave Transfer Program. Technicians may apply by completing OPM 630 and submitting it to the first line supervisor and forwarding for concurrence through the chain of command to HRO. Documentation of the non-work related injury or illnesses provided by the attending physician stating the extent and approximate duration should accompany the application. Furthermore, the supervisor will monitor the status of the injury or illness and will notify HRO when the emergency has terminated.

8. Additional options may be available for supervisors who have technicians affected by a non-work related injury or illness. Requests must be submitted through HRO to determine if the technician could be detailed, reassigned, changed to a lower grade, or enter a Leave Without Pay-Personal (LWOP-P) status for greater than 30 days. HRO will review each request on a case by case basis and will be the final approval authority. No decisions should be made without HRO coordination since placement could affect such things as compatibility, qualifications, training, pay and benefits.

9. It is the technician's responsibility to maintain contact with the supervisor and provide regular updates with medical reports on the health condition and treatment for both work and non-work related injuries or illnesses. Before an injured employee may resume full technician duties they

MENG-HRO

SUBJECT: Placing Technicians on Light Duty

are required to provide medical documentation from the treating physician stating the physical limitations are no longer in effect. Occupational health may additionally arrange a fit for duty physical before a technician is returned to full duty.

10. HRO is the final approval authority for light duty determinations. It is imperative all supervisors and employees abide by this guidance to ensure we protect our most valuable resource, our employees. Failure to comply with this memorandum is not an option. Doing so may impact the effectiveness of our organization and the long term well being of our employees.

11. Questions regarding this policy may be directed to LTC Lydia Jordan at DSN 626-6016 or 207-430-6016.

FOR THE ADJUTANT GENERAL:

  
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