**STATE OF OHIO**
**ADJUTANT GENERAL'S DEPARTMENT**
**2825 West Dublin Granville Road**
**Columbus, Ohio 43235- 2789**

DEC 0 7 2015

NGOH-HRO-Z

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy for Placing Technicians on Light Duty (HRO Policy 12-0I)

1. **Reference: CA-810 Injury Compensation for Federal Employees.**

2. The purpose of this memorandum is to describe procedures for offering a Title 32 Federal dual or non-dual status technician light duty when he or she is unable to perform normal duties due to illness, injury or other medically related condition.

3. Light duty is a modified work position provided for a temporary time period in order to comply with physician verified restrictions, for a technician at the same or lower grade, the duties of which the technician is qualified to perform.

4. An injury-related inability to perform the full range of duties in an assigned position may result in reassignment, change to lower grade, or separation (with or without retirement or other follow on entitlements) from the technician program.

5. **Office of Worker's Compensation (OWCP) Related Injury or Illness.**

a. It is the policy of the Ohio National Guard to attempt to provide light duty to a technician unable to perform his or her naomal duties due to an on-the-job injury or illness.

b. In accordance with the Department of Labor requirements, a technician is entitled to Continuation of Pay for the first 45 days after a job-related injury. If a technician on OWCP refuses an offer of appropriate light duty, continuation of pay will be terminated as the date of the refusal, or after five workdays from the date of the offer, whichever is earlier. Continuation of pay will also be suspended if medical evidence substantiating the disability is not submitted within one, ten (10) workdays of the diability . A refusal of suitable light duty is noncompliant with the OWCP program requirements and may result in the overpayment or lead to disciplinary or adverse action under the provisions of TPR 752, Discipline and Adverse Actions. (See paragraph 5-6).

6. Uniformed service Related Injury or Illness.

a. It is the policy of the Ohio National Guard that the agency is not obligated to offer light duty to a technician whose injury or illness is unrelated to an on-the-job injury or uniformed service. However, when doing so is deemed by supervision to be in the interests of the organization, light duty may be offered.

b. A technician is not obligated to accept an offer of light duty when illness, injury or other medically related condition is related to uniformed service. A technician recovering from uniformed service-related injuries will not be returned to technician duty (and therefore will not be offered light duty) if he or she is made under maintained in a military status for pay. A technician may utilize paid annual, military or sick leave while still in a paid military status. Once released from military duty and returned to technician status, a technician may request use of annual, sick, leave without pay, or invoke Family Medical Leave Act entitlements if unable to perform normal duties due to illness or injury.

7. **Other Illness, Injury or other medically related condition (Unrelated to OWCP or Uniformed Service).**

a. It is the policy of the Ohio National Guard that the agency is not obligated to offer light duty to a technician whose injury or illness is unrelat3d to an on-the-job injury or uniformed service. However, when doing so is deemed by supervision to be in the interests of the organization, light duty may be offered.

b. A technician is not obligated to accept an offer of light duty made under these circumstances. A technician may request use of annual, sick or other appropriate leave (including leave without pay), or invoke Family Medical Leave Act (FMLA) entitlements if unable to perform normal duties due to illness or injury.

8. **Procedures for Identifying, Offering and Monitoring Light Duty Situations.**

a. It is the technician's responsibility to report an injury immediately to his or her supervisor (and military command), complete all required documentation as soon as possible, and ensure all medical evidence is provided in order for his or her work status to be evaluated. The injured technician will inform the treating physician that light duty may be available. The technician will maintain contact with his or her supervisor to ensure medical status updates are received as required, and whenever there is a change in the condition or continued total disability. If the physician report indicates the technician currently totally disabled, light duty will not be offered.

b. Once the medical report indicated the technician is no longer totally disabled, light duty may be considered. If light duty will be offered, HRO will assist supervision through the process as follows:

(1) Request from the physician a detailed description of the technician's work limitations, and the expected duration. Work limitations may stem from the actual injury, after effects of the injury, after effects of the injury, medication or other treatment. When requesting a description of limitations, the agency will also provide the physician with the technician's position description and/or a brief narrative of actual duties performed, including appropriate physical and cognitive requirements of the work.

(2) Upon receipt of physician documentation, review it for administrative sufficiency. The physician documentation must indicate the limitations are temporary, prevent the technician from performing the full range of duties within the assigned permanent position, and provide a functional description of duties that may be performed. Survey the work-center for potential light duty situations that meet the physician-described limitations. The agency retains the right to request and obtain a second physician's opinion, at agency expense, on the physical limitations and duty capabilities of the technician. If a conflict of medical opinion occurs, OWCP may determine to seek a third opinion from a medical specialist (Referee Medical Specialist). Then OWCP selects the physician and arranges the appointment and notifies the technician.

(3) If appropriate light duty is identified, it may initially be offered verbally, but must be confirmed in writing within 48 hours. An offer of light duty includes a description of the duties and requirements of the position being offered. If a personnel action is involved, the employee is furnished a copy of the request for personnel action prior to the offer's effective date. The technician must adhere to the limitations of the light duty until cleared for full duty, in writing, by the medical authority.

c. If a supervisor is unable to provide light duty in the technician's current work-center, the HRO must be informed. The HRO can assist in the placement of the injured technician in appropriate light duty in another work-center.

d. The technician will ensure that supervision receives updates from the treating physician monthly, or when there is a change in the medical condition of the technician. OWCP claims require use of the Duty Status Report (CA-17) or Work Capacity Evaluation form (OWCP-5) for these updates. The supervisor will ensure the completed forms are forwarded to HRO so that documentation is current

e. The HRO has final authority for light-duty determinations.

9. Questions regarding this policy may be directed to Dana Pharis, (Acting) Technician Program Manager, at (614) 336-7054/DSN 346-7054.

FOR THE ADJUTANT GENERAL:

JAMES R. CAMP, Col, OHANG
Director of Human Resources

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