



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1

CNGBI 1400.25, Vol. 800

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NATIONAL GUARD TECHNICIAN INJURY COMPENSATION PROGRAM

References: See Enclosure B.

1. Purpose.

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction is to establish policy and assign responsibilities regarding the National Guard (NG) Technician Personnel Program in accordance with (IAW) reference a.

b. Volume. This volume provides policy and procedures for the NG Technician Injury Compensation Program IAW references a through l.

2. Cancellation. This volume rescinds and replaces Technician Personnel Regulation 800, 07 June 1985, "Managing the Federal Employees Compensation Act (FECA)."

3. Applicability. This volume applies to all NG employees in the States, Territories, and District of Columbia; supervisors of NG employees; and NG Youth ChalleNGe personnel.

4. Policy. It is National Guard Bureau (NGB) policy to manage the NG Technician Injury Compensation Program by processing claims; conducting trend analysis for injury severity, types, sources, and chargeback costs; and providing monetary compensation, death benefits, medical care and assistance, and vocational rehabilitation for Federal employees who sustain disabling injuries, including occupational disease or illness, while performing their employment duties.

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a. General. The NG Technician Injury Compensation Program will create cooperative efforts among Injury Compensation Program Administrators (ICPAs), safety officials, occupational health officials, medical officials, supervisors, management officials, and labor representatives to develop strategies to reduce occupational injury and illness case rates; lower lost-time injury and illness case rates; ensure timely reporting of injuries and illnesses; request investigations into potential fraudulent claims; and assist Human Resources Offices (HROs) in enhanced reemployment efforts. Injured employees will receive customer-focused service when processing all required documentation related to their claimed injury cases with the Department of Labor (DOL) while ensuring they are in receipt of information on all rights and responsibilities under reference d.

b. Chargeback System. The FECA Program is financed by the Employees' Compensation Fund, which consists of funds appropriated by Congress or contributed by certain agencies from operating revenues. The Office of Workers' Compensation Programs (OWCP) annually provides each agency with a statement of payments made from the Employees' Compensation Fund on account of injuries to each agency's employees. The chargeback system uses the costs of compensation (medical and wage compensation costs) for accepted claimed occupational illnesses, injuries, and deaths assigned to Federal employing agencies at the end of each fiscal accounting period. The DOL chargeback period runs from 01 July through 30 June. ICPAs and the NGB retrieve chargeback reports from the Defense Civilian Personnel Advisory Service (DCPAS) Defense Injury and Unemployment Compensation System (DIUCS) Portal, which identifies quarterly medical and wage costs that are for review and reconciliation as appropriate. See Table 1 for Air National Guard (ANG) and Army National Guard (ARNG) Chargeback Codes. No deviations are allowed.

PERSONNEL	CHARGEBACK CODE
ANG Title 5	3751
ANG Employees (Title 32 Duals Status/T5 NG Employees)	3752
ARNG Title 5	3892
ARNG Youth ChalleNGe	3893
ARNG Employees (Title 32 Duals Status/T5 NG Employees)	3894

Table 1. ARNG and ANG Chargeback Codes

c. Light Duty Assignments. Light duty assignments are modified or alternative work positions or duties performed at a grade the same as or lower than NG employee is qualified to perform. NG employees are given temporary light duty assignments when medical evidence and documentation indicate that the injured employees are able to resume some form of limited or light

duties. Medical documentation must be signed by the physician with an expiration or follow-up evaluation date. The treating physician must indicate the extent of physical limitations or the types of work activities that may be reasonably performed within these temporary limitations.

(1) Supervisors must ensure that modified assignments are documented on Work Capacity Evaluation forms CA-17, "Duty Status Report," or OWCP-5, "Work Capacity Evaluation," which indicates the employee's work restrictions and the probable date that the employee may return to full duty.

(2) Supervisors are required to update CA-17, or OWCP-5, at least every four weeks (30 days) unless there are changes in the employee's medical condition within that 30 days.

(3) Light duty assignments beyond 60 days warrant a personnel action as a "detail" or "reassignment with notice" provided to the ICPA for submission to the DOL.

(4) If a supervisor is unable to provide a light duty assignment or if modifying the employee's current position would adversely affect mission accomplishment, the matter is referred to the proper HRO.

d. HRO Determination. HROs will authorize light duty determinations and assist with placing employees in modified positions in other duty sections (when warranted) if the immediate supervisor determines that modified or limited duty may impede mission requirements when:

(1) Employees are placed in other work sections, the temporary supervisor must support and adhere to the physician or provider's written medical restrictions specified in a light duty memorandum.

(2) Physical limitations resulting from the workplace injury become permanent and the employee is no longer able to perform the essential functions of the date of injury position.

e. Employees Who Are No Longer Totally Disabled. When medical reports indicate that an employee is no longer totally disabled, the HRO should offer a suitable and temporary light duty assignment to the employee. The employee is required to accept any reasonable offer of light duty assignments that the employee is qualified for, provided the assignments are within the limitations imposed by the treating physician. The HRO should complete form CA-17 or form OWCP-5 with all information pertaining to the employee and forward it to the treating physician and DOL OWCP. The offer must include a description of the specific physical requirements of the position, the organizational and geographical location of the assignment, the date on which the assignment will first be available, the date by which a response to the assignment offer is

required, pay rate information for the offered assignment, and a notice that refusal to accept the offer may result in termination of benefits.

f. Making a Reasonable Offer. If a reasonable offer of light duty is made in person, it is confirmed and validated in writing at the time of the offer. When a reasonable offer is made by telephone, it is confirmed and validated in writing within 48 hours. The light duty offer must include a written description of the duties and responsibilities with the employee's signed acknowledgement. A copy is maintained by the ICPA for the injury claim file with a completed CA-17 sent to DOL as warranted. If a personnel action is involved for a light duty offer, the employee is furnished with a copy of the action prior to the new position assignment's effective date.

g. Refusing a Reasonable Offer. If the employee refuses light or limited duty that is within the treating physician's written limitations and the employee's qualifications to perform, his or her continuation of pay is terminated on the date of refusal or within five workdays from the date of the reasonable offer, whichever is earlier. An employee's refusal to return to work will be reported to the OWCP; this could result in an overpayment of wages or further administrative action if warranted.

h. Processing NG Youth ChalleNGe Injury Claims. NG Youth ChalleNGe Federal youth employees are not official Title 5 or Title 32 employees. NG Youth ChalleNGe injury claims will be processed using CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," or CA-2, "Notice of Occupational Disease and Claim for Compensation." This must be completed and submitted in hardcopy.

i. Light Duty Assignments for NG Youth ChalleNGe Workplace Claims. NG Youth ChalleNGe workplace claims filed under the FECA Program require the following to be submitted to the State's ICPA for submission to the DOL IAW reference d: circumstances surrounding the claimed injury or illness, sufficient medical documentation, and dates of lost work.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. This is the initial publication of CNGBI 1400.25, Vol. 800.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <www.ngbpdc.army.mil>.

9. Effective Date. This instruction is effective upon publication and must be reissued, cancelled, or certified as current within five years of its publication.



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Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Chief of the Technician Personnel Division (NGB-J1-TN). The Chief of NGB-J1-TN will:
 - a. Develop policy for the NG Technician Injury Compensation Program.
 - b. Coordinate with ANG and ARNG manpower and personnel and the Services for allocation and management of OWCP non-dual status positions.
2. Chief of Labor/Employee Relations Branch (NGB-J1-TNL). The Chief of NGB-J1-TNL will direct the activities of the NGB OWCP Program Manager for the NG Technician Injury Compensation Program and seven Regional OWCP Liaisons.
3. NGB-J1-TN OWCP Program Manager. The NGB-J1-TN OWCP Program Manager will:
 - a. Oversee and manage the NG Technician Injury Compensation Program.
 - b. Serve as the team lead, specify performance objectives and duties for Regional OWCP Liaisons, and provide input into mid-term and annual performance assessments and ratings.
 - c. Provide policy interpretation, technical assistance, reports, and guidance to NG higher-level and collaborative agencies.
4. The Adjutants General (TAGs). TAGs will establish an effective State NG Technician Injury Compensation Program that meets the statutory and regulatory requirements cited in reference b and this instruction.
5. State HROs. State HROs will:
 - a. Be responsible for injury compensation administration and management within their State.
 - b. Develop local regulations, directives, and guidance for the State NG Technician Injury Compensation Program.
 - c. Supervise ICPAs.
 - d. Ensure program execution IAW reference h and this instruction.

e. Appoint an ICPA and a backup program administrator as the human resources representatives to the State Safety Council and FECA Working Group to provide OWCP statistical data related to total injury claim numbers, lost-time case numbers, and potential reemployment efforts.

f. Chair the mandated FECA Working Group Meeting, which is conducted at least annually, with more frequent meetings based on program analysis, ensuring documentation of active participants and planned actions or expected outcomes.

g. Ensure that light duty positions are made available (when it is impossible or unreasonable to reemploy an employee remaining on the OWCP rolls).

6. ICPAs. ICPAs will:

a. Administer the Technician Injury Compensation Program for their State IAW references a, b, d, h, i, j, k, and l.

b. Regularly review appropriate resources (for example, Guard Knowledge Online, the DCPAS homepage, the DOL homepage, DIUCS, the Agency Query System, and chargeback reports) for injury compensation updates.

c. Publicize the program throughout the serviced area to provide to managers and employees information on their rights, responsibilities, and benefits.

d. Coordinate with appropriate safety and occupational health offices on injury and health-related issues with an emphasis on injury and illness prevention and early return to work.

e. Conduct appropriate training and counseling, and assist management in obtaining relevant documentation in support of or in challenge of claimed injuries as appropriate; conduct interview sessions involving work-related injuries.

f. Advise employees on the claim process for wage loss incurred as a result of injury claim absences. Ensure that the leave buy-back process and restrictions are clear when an employee uses personal leave in lieu of leave without pay.

g. Ensure that injury and wage loss claims are submitted through the DOL Employees' Compensation Operations and Management Portal (ECOMP) and are processed within regulatory timelines.

h. Coordinate claimed injury time codes with supervisors and civilian pay representatives to ensure that accurate and appropriate record updates are processed in the Defense Civilian Personnel Data System.

i. Track and analyze all injury compensation statistics, including case management, number of injury cases, lost-time cases, and total medical and compensation costs using the DCPAS, DIUCS, DOL ECOMP, Agency Query System, and DOL Web Bill Processing Portal through reference 1.

j. Maintain liaison services with the appropriate NG Regional OWCP Liaison, DOL district office representatives, and DCPAS Liaison as claim situations require.

k. Review questionable claims of OWCP entitlement and refer cases of misuse or potential fraud of the workers' compensation process to the appropriate office for further review or investigation, as warranted.

l. Coordinate light duty procedures with appropriate offices and track light duty hours for annual reporting to NGB.

m. Coordinate case management and employee return-to-work procedures with appropriate personnel.

n. Coordinate and compile necessary documentation for the mandated FECA Working Group Meeting.

o. Review, evaluate, and recommend light duty assignments and make recommendations on employee placements involving work limitations.

p. Advise the treating physician of light duty programs.

q. If light duty is a possibility, ensure the assignment requirements and environmental conditions are made known to physicians when injured, ill, or former employees are scheduled for placement.

r. Contact the attending physician in writing, as necessary, to inquire about restrictions and estimated return to light duty.

7. Supervisors or Managers. Supervisors or managers will:

a. Ensure proper safety practices are used.

b. Eliminate safety hazards.

c. Investigate each claimed injury source and appropriately support or challenge the claimed incident.

- d. Report safety hazards to the safety office.
- e. Instruct the injured employee on submission of required sufficient medical documentation for any absence.
- f. Identify and offer temporary light duty assignments to injured employees.
- g. Ensure modified assignments comply with the work limitations imposed by the attending physician or provider.

8. NG Employees. NG employees will:

- a. Report all work-related illnesses or injuries to their supervisor and military chain of command immediately, including injuries that may occur during an approved travel status.
- b. Accurately complete the OSHA 301 “Injury and Illness Incident Report Form” and either form CA-1 or form CA-2; upload any additional supporting documentation for timely submission of the injury claim in ECOMP.
- c. Observe all safety regulations.
- d. Report safety, health, and fire hazards.
- e. Keep emergency notification data current.

9. Regional OWCP Liaison. The Regional OWCP Liaison will:

- a. Build positive working relationships with all levels of appropriate Federal agencies and State HROs to ensure the implementation of an effective, efficient, and aggressive OWCP regional program.
- b. Train assigned ICPAs on all FECA, OWCP, and NGB directives and policy guidance.
- c. Conduct compliance reviews of all assigned State programs, NG units, and NG Youth ChalleNGe locations.
- d. Provide management advisory and consulting services through staff assistance visits and conference calls or correspondence concerning OWCP policies and procedures correlating to program audits and reviews.
- e. Conduct injury compensation case file reviews and assist ICPA in collection of statistical data by accessing all available sources of injury data.

f. Analyze, interpret, and report to the NGB and assigned HROs all data and information related to program management, including claim processing, cost avoidance, staff assistance visits, reemployment efforts, active FECA Working Group meeting participation, and overall injury compensation program effectiveness.

g. Expedite responses to Congressional and other sensitive correspondence inquiries as forwarded by the NGB.

h. Identify reemployment opportunities for injured employee personnel.

i. Evaluate (in coordination with State HRO personnel, DOL claim examiners, and the occupational health nurse or physician) work tolerance reports and position descriptions to determine viable candidates for reemployment offers or potential for vocational rehabilitation.

j. Assist the ICPA in implementing an effective annual outreach program through written and telephonic correspondence with claimants.

k. Administratively review injury compensation claim cases that are questionable as to total disability, receipt of entitlements, or legitimacy to assist the States in minimizing program misuse or fraud. Report Veterans Affairs or other dual compensation for the same OWCP claimed condition to DCPAS and DOL.

l. Conduct State and regional training or workshops as requested and as appropriate with NGB approval.

10. Activity Safety Offices. Activity Safety Offices will:

a. Investigate all reported job-related injuries and prepare required reports.

b. When requested by the ICPA, provide information to be sent to OWCP to support or to controvert a claim for compensation.

c. Provide a representative to actively participate in the activity FECA Working Group.

d. Provide safety training, as required.

11. Occupational Health Specialist. The Occupational Health Specialist will:

a. When requested by the ICPA, provide information to be sent to OWCP to support or to controvert a claim for compensation.

b. Provide a representative to actively participate in the activity FECA

Working Group.

c. In conjunction with the HRO, identify positions and duties for light duty assignments.

ENCLOSURE B

REFERENCES

- a. CNGB Instruction 1400.25A, 10 October 2017, “National Guard Technician Personnel Program”
- b. DoD Instruction 1400.25-V810, 12 April 2005, administratively reissued 16 April 2009, “DoD Civilian Personnel Management System: Injury Compensation”
- c. Title 32 United States Code (U.S.C.), Section 709, “Technicians: Employment, Use, Status”
- d. 5 U.S.C., Chapter 81, “Federal Employees’ Compensation Act”
- e. 10 U.S.C. § 10508, “National Guard Bureau: General Provisions”
- f. CNGB Memorandum, 16 February 2017, “Designation of the Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- g. Public Law 114-328, 23 December 2016, “National Defense Authorization Act for Fiscal Year 2017”
- h. DOL, Publication CA-810, Revised 2009, “Injury Compensation for Federal Employees”
- i. Employees’ Compensation Operations and Management Portal, <<https://www.ecomp.dol.gov/>>, last accessed 27 June 2018
- j. DCPAS DIUCS, <<https://cacdiucs3.cpms.osd.mil/>>, last accessed 27 June 2018
- k. Agency Query System, <<https://aqsweb.dol-esa.gov/AQS/login.html>>, last accessed 27 June 2018
- l. Department of Labor, Web Bill Processing Portal, <<https://owcp.dol.acs-inc.com/>>, last accessed 27 June 2108

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
CNGB	Chief of the National Guard Bureau
DCPAS	Defense Civilian Personnel Advisory Service
DIUCS	Defense Injury and Unemployment Compensation System
DOL	Department of Labor
ECOMP	Employees' Compensation Operations and Management Portal
FECA	Federal Employees' Compensation Act
HRO	Human Resources Office
IAW	In accordance with
ICPA	Injury Compensation Program Administrator
NG	National Guard
NGB	National Guard Bureau
NGB-J1-TN	Technician Personnel Office
NGB-J1-TNB	Benefits and Entitlements Branch
NGB-J1-TNL	Labor/Employee Relations Branch
OWCP	Office of Workers' Compensation Programs
TAG	The Adjutant General

PART II. DEFINITIONS

Chargeback -- The mechanism by which the costs of compensation for work-related illnesses, injuries, and deaths are annually assigned to employing agencies.

Continuation of Pay -- The continuation of an injured employee's regular pay for up to 45 calendar days with no charge to sick or annual leave; it is charged in full days and includes weekends and holidays. Continuation of Pay is paid by the employing activity and contributes directly to the cost of doing business from lost production time.

Employee -- Title 32 Dual Status Excepted Service employees and Title 5 National Guard Excepted or Competitive Service employees defined in the references.