

STATE OF WEST VIRGINIA
OFFICE OF THE ADJUTANT GENERAL
1703 COONSKIN DRIVE
CHARLESTON, WV 25311-1085

NGWV-HRO-Z

1 March 2012

MEMORANDUM FOR Supervisor's of Technician Personnel

SUBJECT: Instructions for Placing Technicians on Limited Duty

1. References include: 5 CFR Part 339, dated 1 January 2002,
29 CFR 825.310, dated 30 March 1995
Technician Personnel Regulation (TPR) 715, dated 13 July 2007
Technician Personnel Regulation (TPR) 752, dated 19 October 2007
DoD Instruction 6055.1 DoD Occupational Safety and Health Program
2. This memorandum outlines the procedures to use when a limited duty assignment becomes necessary. Limited duty may be used for any accident or illness that falls outside the scope of the Federal Workers Compensation Program - FECA. Limited duty by definition is a short term modified or alternate work assignment the technician is qualified and capable to perform.
3. It is the responsibility of the West Virginia National Guard Human Resource Office to provide limited duty assignments to any full-time technician who has sustained off-the-job injuries or illnesses preventing him/her from performing the full range of duties within the job classification, and whose medical conditions were diagnosed as "temporary" by the technician's treating physician. A technician will be considered for limited duty when medical evidence indicates he/she is able to resume at least some aspects of work. The doctor's statement must be a written report indicating the extent of physical limitations and the types of work that may be performed within those limitations.
4. The immediate supervisor has the responsibility of identifying and offering the limited duty assignment to the injured technician. The supervisor must ensure the modified assignment complies with the work restrictions imposed by the attending physician, and the technician understands and complies with the medical restrictions. The supervisor must ensure the modified assignment is documented on a completed Duty Status Form and a Return to work form indicating restrictions of the technician, and the probable date the employee can return to full duty. For those technicians placed on limited duty, an updated Duty Status Form and Return to Work form is required at least every four weeks, unless there is a change in medical condition. If the supervisor feels there is no limited duty available, or if modifying the employee's current position would adversely affect mission accomplishment, the matter should be handled by the Human Resource Office.

WVNG-HRO-Z

SUBJECT: Instructions for Placing Technicians on Limited Duty

5. The Human Resource Office has the final authority in making limited duty determinations, and will assist with placing the technician in a modified position in another section, if necessary. When the technician is placed, supervisors and the affected technician must adhere to all medical restrictions imposed by the physician.
6. It is the responsibility of the technician to report an injury or illness immediately to the supervisor, complete all required documentation as soon as possible, and ensure all medical evidence is provided to evaluate his/ her status. The technician will also maintain contact with the supervisor and provide regular updates with medical reports on health condition and treatment.
7. When the medical report indicates the employee no longer requires accommodation, the technician is required to accept any reasonable offer of suitable duty. The offer may be made by telephone, but must be confirmed in writing within 48 hours to be valid. The offer should include a description of the duties and requirements of the offered position. If a personnel action is involved, the employee must be furnished a copy of the offer at least 48 hours prior to the effective date of the action.
8. If the employee refuses limited duty, or does not comply with the conditions set forth in paragraph 4 of this memorandum, the Human Resource Office has the ability to enforce leave as described in TPR 715 Chapter 3-9 (a) 2. A refusal to return to work may lead to disciplinary and/ or adverse actions under the provision of TPR 752, Discipline and Adverse Actions.
4. Should you have any questions, or have requests for additional information, please contact the Employee Relations Specialist, 304-561-6431.


PAIGE P. HUNTER
Colonel, WVANG
Human Resource Officer