



CHIEF NATIONAL GUARD BUREAU NOTICE

NGB-J1
DISTRIBUTION: A

CNGBN 1406
18 July 2018

TECHNICIAN PERSONNEL INTERIM POST-CONVERSION DOD PIPELINE AND RETURN TO WORK PROGRAM

References. See Enclosure A.

1. Purpose. This notice provides interim guidance for the post-conversion management process of Title 32 dual status technicians in the States, Territories, and District of Columbia in accordance with (IAW) references a through j.
2. Cancellation. None.
3. Applicability. This notice applies to personnel performing essential human resource functions required for personnel management of National Guard (NG) Title 5 and Title 32 employees in the States, Territories, and District of Columbia.
4. Background. The Department of Defense (DoD) Pipeline Program supports the "Protect Our Workers and Ensure Reemployment (POWER) Initiative" by assisting the NG in achieving fewer lost days resulting from injuries and speeding employees' return to work in cases of serious injury or illness. DoD support of the POWER Initiative will result in supervisors, commanders, and program managers not experiencing resource allocation and funding constraints that have previously contributed to longer periods of disability for injured workers.
5. Action or Procedure.
 - a. Director of Manpower and Personnel (NGB-J1). NGB-J1 will issue Human Resources Management policy for Technician Personnel and NG Title 5 personnel in the States, Territories, and District of Columbia.

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b. NGB-J1 Technician Personnel Office (NGB-J1-TN). NGB-J1-TN will:

(1) Provide policy guidance for technician personnel and NG Title 5 personnel in the States. Management of these employees will be IAW the rules and limitations outlined in references i and j.

(2) Obtain commitment from senior leadership to support the DoD Pipeline Program and communicate with and train Human Resources Officers (HRO) in the program's processes.

c. NGB Office of Workers' Compensation Program (OWCP) Program Manager. NGB OWCP Program Managers are responsible for the following actions IAW references k, l, and m:

(1) Promoting the DoD Pipeline Program.

(2) Adjudicating all Pipeline Packets submitted and notifying the Defense Civilian Personnel Advisory Service (DCPAS) Pipeline Program Coordinator to allocate and disburse funds immediately upon Injury Compensation and Unemployment Compensation (ICUC) approval. The Pipeline Packet consists of:

(a) The Pipeline Candidate Worksheet.

(b) The NG Title 5 job offer.

(c) The claimant's acceptance or declination of the job offer.

(d) A description of the offered position.

(3) Providing an explanation to the Injury Compensation Program Administrator (ICPA), via the DoD Liaison, for Pipeline Packets that do not meet Pipeline eligibility criteria.

(4) Maintaining ongoing records for Title 32 dual status employees participating in the program and working closely with mission support to ensure timely processing of disbursements and allocations.

(5) Providing DoD Pipeline Program participation and metric information upon request from organization and command personnel.

d. HRO. HROs are responsible for the following actions IAW references l and m:

(1) Leading, supporting, and implementing the DoD Pipeline Program and reemploying injured workers within their respective State.

(2) Ensuring that appropriate communication and training are provided to managers and supervisors in DoD Pipeline Program processes.

e. State ICPA. State ICPAs are responsible for the following actions IAW reference m:

(1) Reviewing agency chargeback reports to identify Title 32 dual status employees for reemployment.

(2) Identifying partially recovered Title 32 dual status employees through review of medical documentation and current work restrictions.

(3) Requesting NG Title 5 positions from supervisors and managers in collaboration with staffing and disability management personnel.

(4) Coordinating with OWCP Nurse Intervention or OWCP Rehabilitation Counselors (when assigned) to assist in NG Title 5 position design.

(5) Coordinating with Safety & Occupational Health, as necessary, to assist in NG Title 5 position design based on treating physician restrictions (unless an OWCP Nurse Intervention or Vocational Rehabilitation Counselor is assigned).

(6) Providing a valid NG Title 5 job offer to the identified candidate once position details are received.

(7) Contacting the NGB-J1-TN, NGB OWCP Program Manager, to request a Pipeline Candidate Worksheet for the injured worker.

(8) Completing the Pipeline Packet, including the Pipeline Candidate Worksheets, and submitting the Packet to the NGB OWCP Program Manager.

(9) Submitting a Pipeline Packet without the claimant's acceptance or declination of the offer for preliminary adjudication to establish whether the case is likely to meet the eligibility requirements for approval of Pipeline funding. A preliminary adjudication is not binding. Final adjudication can be established only when a complete Pipeline Packet is submitted.

(10) For all Pipeline-funded cases, notifying the OWCP Team Leader of any change in work status, work schedule, or pay rate.

(11) Working with the employee, and the employee's supervisor, through the HRO to ensure incorporation into an agency-funded position during, or at the conclusion of, the Pipeline funding period.

(12) Notifying the DCPAS DoD Liaison when the Title 32 dual status injured worker is placed into the agency-funded position or has gone back on OWCP rolls.

f. OWCP Regional Liaisons. OWCP Regional Liaisons are responsible for the following actions IAW references l and m:

(1) Reviewing the completed Pipeline Candidate Worksheet for each Pipeline Packet received from ICPAs.

(2) Ensuring the return-to-work date indicated on the Pipeline Candidate Worksheet is consistent with the return-to-work date established in the job offer.

(3) Verifying the accuracy of contact information for the ICPA, HRO, and Military Interdepartmental Purchase Request (MIPR) point of contact.

(4) Ensuring the job offer contains the critical elements required to meet OWCP requirements and can be found suitable for establishing a Loss of Wage Earning Capacity decision.

(5) Submitting the Pipeline Packet to the DoD Pipeline Program Manager.

(6) Coordinating with ICPAs to monitor the employee's progress.

(7) Providing guidance to ICPAs on using the DoD Pipeline Program.

(8) Assisting ICPAs in obtaining current work restrictions from the appropriate OWCP District Offices for candidates identified for this program.

(9) Assisting ICPAs in obtaining suitability determinations when necessary.

(10) Assisting the NGB OWCP Program Manager in obtaining clarification from ICPAs when necessary to adjudicate requests, authorize funding, and obtain funding document acceptance forms from organization funding and MIPR points of contact.

(11) In Pipeline cases where the Title 32 dual status claimant accepted the offered position, assisting ICPAs in obtaining Loss of Wage Earning Capacity decisions for reemployed injured workers 60 days after the return-to-work date.

(12) Following up with OWCP every 30 to 60 days for as long as needed to obtain the Loss of Wage Earning Capacity decision for each Pipeline-funded case.

(13) In Pipeline cases where the Title 32 dual status claimant declined the offered position, assisting the ICPAs in obtaining the Termination of Benefits decision for the injured worker through due process for termination of benefits.

(14) Following up with OWCP every 30 to 60 days for as long as needed to obtain the Termination of Benefits decision for each declined Pipeline job offer.

(15) Reviewing long-term cases at OWCP for potential Pipeline candidates with special emphasis and focus on cases that are in Department of Labor OWCP Disability Management Tracking and that therefore appear on the POWER Initiative lists.

(16) Providing a Pipeline Candidate Worksheet and Request for Exemption Forms to ICPAs upon request.

g. Supervisors. Supervisors are responsible for the following actions IAW references l and m:

(1) Supporting the program to reemploy injured workers.

(2) Coordinating with ICPAs to identify productive duty.

(3) Coordinating with other supervisors and managers within and outside the installation to build a list of potential duties to establish light duty jobs.

(4) Striving to integrate reemployed workers into agency-funded positions within 12 months by:

(a) Maintaining a safe and healthy work environment for all employees.

(b) Ensuring injured employees are working within medical restrictions.

(c) Notifying ICPAs of any change to the employee's work status, schedule, or pay rate.

(d) Increasing the employee's duties and productivity as appropriate through updated work restrictions.

(e) Treating all employees with dignity and respect.

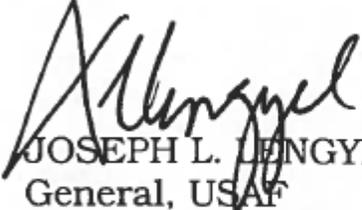
(f) Notifying the ICPA of any change in duties made on behalf of any injured worker.

(g) Notifying the ICPA if a reemployed injured worker, demonstrating a history of unexcused absences, repeatedly does not appear for work without first providing notice.

(h) Notifying the ICPA if a reemployed injured worker complains of symptoms or indicates inability to perform the duties of the position offered.

6. Releasability. This notice is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpdc.ngb.army.mil>>.

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature, unless cancelled earlier.



JOSEPH L. JENGYEL
General, USAF
Chief National Guard Bureau

Enclosures:

A -- References

ENCLOSURE A

REFERENCES

- a. CNGB Instruction 1400.25A, 10 October 2017, “National Guard Technician Personnel Program”
- b. Title 10 United States Code (U.S.C.), Section 10217, “Non-Dual Status Technicians”
- c. Public Law (P.L.) 114-328, § 1084, 23 December 2016, “National Defense Authorization Act for Fiscal Year 2017”
- d. P.L. 114-92, § 1053, 25 November 2015, “The National Defense Authorization Act for Fiscal Year 2016”
- e. 32 U.S.C. § 709, “Technicians: Employment, Use, Status”
- f. CNGB Memorandum, 16 February 2017, “Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- g. Office of the Under Secretary of Defense for Personnel and Readiness, e-mail, 29 September 2017, subject: “Title 32 Conversion Policy Issue”
- h. Office of the Assistant Secretary of Defense, Manpower and Reserve Affairs, Memorandum, 20 April 2017, “Guidance to Convert Dual Status and Non-Dual Status Military Technician Positions”
- i. Title 5 U.S.C., “Government Organization and Employees,” §§ 2103, “The Excepted Service”; 2105, “Employee”; and 3101, “Employment and Retention”
- j. 5 Code of Federal Regulations, “Administrative Personnel”
- k. Department of Labor, CA-810, Revised 2009, “Injury Compensation for Federal Employees”
- l. Executive Order 13548, 26 July 2010, “Increasing Federal Employment of Individuals With Disabilities”
- m. Defense Civilian Personnel Advisory Service, July 2012, “DOD Pipeline Reemployment Program Guide”