
Section J. Assignment to Duty

Introduction The Commandant employs the services of qualified Auxiliarists in support of various Coast Guard programs. To this end, specific Auxiliary activities are authorized in support of Auxiliary programs or Coast Guard units. An Auxiliarist performing such duties is considered to have been assigned to duty within the meaning of 14 U.S.C. § 831 and 823a, when these activities have been authorized and clearly communicated verbally and/or in writing by appropriate authority. The Commandant has specifically delegated the authority to assign qualified Auxiliarists to duty for authorized activities as outlined below. Additionally, in many circumstances, an Auxiliarist's assignment to duty may be constituted by the Auxiliarist's actual performance of an authorized activity or mission, understanding that the Auxiliarist was properly qualified for such duty and acted within the scope of employment as described further in the provisions of this chapter. This policy promotes valued volunteer support and provides Auxiliarists the benefits and protections allowed by law.

J.1. Injury or Death An Auxiliarist who is physically injured or dies while performing assigned duties may be entitled to statutorily prescribed medical treatment and/or death or disability compensation. The Department of Labor (DOL) will make a final determination as to whether an Auxiliarist was acting as an employee within the scope of employment when performing assigned Coast Guard duties as a Federal employee for purposes of 14 U.S.C. § 823 and 14 U.S.C. § 832.

DOL policy and criteria for determining injury/death compensation for Federal employees are described in publication CA-810. It defines the criteria used by DOL and the Coast Guard to determine the conditions of coverage, including considerations such as time of injury or death, employee status, nature and circumstance of injury or death, and performance of duty.

A member of the Auxiliary may be entitled to benefits when he/she is injured or dies while performing duties assigned by competent Coast Guard authority. An Auxiliarist's performance of duty is defined in 14 U.S.C. § 832 to include time engaged in traveling back and forth between the place of assigned duty and the Auxiliarist's permanent residence. The question is whether the Auxiliarist is traveling to an assigned duty location to, "perform duties assigned by competent Coast Guard authority."

Other than certain specific exceptions defined in CA-810, Federal employees do not have the protection of the Federal Employee Compensation Act (FECA) when injured en route between the home and place of work. Auxiliarists do not gain the protection of FECA when traveling from their home to their regular flotilla meeting, or vice versa. Attendance at a regular flotilla meeting is not the performance of duty assigned by competent Coast Guard authority at an assigned place of duty.

**J.2. Third
Party Claims**

The Auxiliarist may be exonerated from liability to injured parties or damage to property, but this action depends on facts and circumstances surrounding the Auxiliarist's involvement in the incident. Third party claims against Auxiliarists will be treated in the same manner as claims against other Coast Guard personnel under similar circumstances. The Department of Justice (DOJ) will make a final determination in certifying the Auxiliarist as an employee within the scope of their employment conducting authorized Coast Guard duties as a Federal employee in accordance with 14 U.S.C. § 823a(b). This determination will be based on the recommendation from the Office of Claims and Litigation (CG-0945).

**J.3.
Determining
Assignment to
Duty**

The protections discussed above are contingent upon a favorable determination that the Auxiliarist was acting within the scope of employment as a Federal employee. Two outside agencies, the DOL and DOJ, make that determination under Federal law. The Auxiliarist's assignment to duty is a requirement before any statutory protections are available. If the Auxiliarist is not assigned to duty, then the Auxiliarist cannot be characterized as a Federal employee and therefore cannot be acting within the scope of employment.

To have the best possible chance of a favorable determination, the Auxiliarist should be prepared to document assignment to duty. The greater the quality and quantity of evidence that the Auxiliarist is able to produce to demonstrate assignment to duty, the greater the likelihood that the DOL or DOJ will make a favorable determination. The strongest possible evidence is that which demonstrates assignment to duty made prior to the incident in question. Examples may include verbal orders issued by an appropriate Coast Guard Order Issuing Authority (OIA) and documented by e-mail or unit logs prior to mission execution, or written orders issued by an appropriate Coast Guard OIA and received and acknowledged by an Auxiliarist prior to mission execution. Similarly, verbal authorizations from appropriate Auxiliary elected and/or appointed officers that are documented via telephone log, e-mail, or other means, as well as written Auxiliary orders or duty rosters for authorized activities (see Table 5-1) that are received and acknowledged by an Auxiliarist prior to mission execution, help constitute the strongest possible evidence of assignment to duty prior to an incident in question. Post-incident evidence is less persuasive, but may include affidavits and orders or duty rosters reduced to writing after the incident. The Auxiliarist ultimately bears the burden of producing evidence sufficient to support the claim that the Auxiliarist has the status of a Federal employee.

Incumbent Auxiliary officers, elected and appointed, are authorized to perform such activities required for the proper supervision and administration of their respective offices. These duties include, but are not limited to, the responsibilities of Auxiliary staff officers and elected and appointed leaders as described in Chapter 4 of this Manual and in any associated letter of appointment. Auxiliarists performing such duties and activities shall be considered to be assigned to duty within the definition of 14 U.S.C. § 832.

Operators of Auxiliary vessels, aircraft, and radio facilities are authorized to schedule Auxiliarists to duty as crew, air observers, watchstanders, or trainees aboard their facilities. The scheduling shall constitute assignment to duty under the provisions of 14 U.S.C. § 832a(b).

Table 5-1
Authorized Activities (Not All-Inclusive)

ACTIVITY TYPES	APPROPRIATE STAFF OFFICER ASSIGNMENT
• AtoN Verification and Discrepancy Reporting • Chart Updating Activities • Federal Aids Program	Navigation Systems (NS)
• Aircraft Patrols • Aircraft Facility Inspection	Aviation (AV)
• Communications Watchstanding	Communications (CM)
• Communications Facility Inspection • Webmaster/Webwatcher	Communications Services (CS)
• Auditing, Bill Paying, Authorized Solicitation, and Procurement Activities	Finance (FN)
• Collecting, Collating, Input, and Dissemination of Auxiliary Activity Data and Internet	Information Services (IS)
• Obtaining, Storing, and Transporting Materials	Materials (MA)
• Government Supply Agent Contact • Recreational Boating Safety Visitation Program	Program Visitor (PV)
• Member Recruiting and Retention Activities • Academy Admissions Partner Program • AUXCHEF Program • Heath Care Services • Redacted content per Presidential Executive Order No.14151	Human Resources (HR)/ Redacted content per Presidential Executive Order No.14151
• Member Training Activities	Member Training (MT)
• Marine Safety Activities • Commercial Fishing Vessel Examiner • Uninspected Passenger Vessel and Towing Vessel Examiner • Regional Examination Center Support	Marine Safety (MS)
• Vessel and Aircraft Patrols • Coast Guard and State Operational Support • Interpreter and Watchstation Support • Maritime Observation Mission (MOM)	Operations (OP)
• Establishing and Serving in Boating Safety Booths • General Activities Publicizing the Auxiliary • Coastie Program Outreach	Public Affairs (PA)
• Producing and Delivering Unit Publications	Publications (PB)

Table 5-1
Authorized Activities (Not All-Inclusive) - Continued

ACTIVITY TYPES	APPROPRIATE STAFF OFFICER ASSIGNMENT
• Public Education Activities	Public Education (PE)
• Vessel Safety Checks • Recreational Boating Safety Visits • Vessel Facility Inspections	Vessel Examiner (VE)
• Obtaining and Providing Legal Opinions and Advice • Conducting Investigations or Hearings	Legal/Parliamentarian (LP)
• Participating, Observing, and Contributing	Auxiliarist

**J.4. Order
Issuing
Authority (OIA)**

An OIA is a Coast Guard command authority that oversees or directs Auxiliary operations and activities (see section A.1 of Chapter 2 of the Auxiliary Operations Policy Manual, COMDTINST M16798.3 (series)). An OIA issues Coast Guard orders in accordance with the provisions of section 2.A of the Auxiliary Operations Policy Manual, COMDTINST M16798.3 (series), to Auxiliarists who agree to assignment to duty in order to perform activities in support of Coast Guard missions. For example, a Coast Guard Sector, as a Coast Guard OIA, will issue patrol orders to Auxiliary boat crews that perform missions to support the Sector; the Coast Guard Training Quota Management Center (TQC), as a Coast Guard OIA, will issue travel orders to Auxiliarists who attend Coast Guard C-schools; and the Director, as a Coast Guard OIA, will issue travel orders to designated elected and appointed staff officers who attend regional conferences.

**J.4.a. Issuance
of Orders**

Coast Guard orders shall be issued to an Auxiliarist as far in advance of a mission or activity as practicable. If circumstances do not allow issuance of written orders prior to a mission or activity as prescribed, then the Auxiliarist may perform the mission or activity upon receipt of advance verbal tasking or if specifically identified and tasked to do so by the OIA as part of a written contingency plan. In either case, the provision of written orders as soon thereafter as possible shall be understood and expected by both the Auxiliarist and the OIA.

J.4.b. Blanket
Orders

To promote administrative efficiency, an OIA may issue an Auxiliarist orders designed to authorize and address the recurring conduct of specific missions or activities in support of it. Such orders normally cover specified periods of time that should not be longer than three months duration within a fiscal year unless circumstances warrant. Under no circumstance shall the period exceed one year. For example, an Auxiliarist who provides administrative support two days each week at a Coast Guard unit may be issued blanket orders by the unit for a three month period to facilitate the Auxiliarist's reimbursement for travel expenses to and from the unit. Similarly, a Director may issue blanket orders for a three month period to the DCO to facilitate reimbursement of authorized travel expenses during a period of frequent travel rather than issue individual orders for each trip.

J.4.c.
Contingency
Orders

Contingency orders are a form of blanket orders in that they are effective for a specific time period. An OIA may issue contingency orders in accordance with criteria established in section 2.A.8 of the Auxiliary Operations Policy Manual, COMDTINST M16798.3 (series).

J.4.d.
Non-receipt of
Orders

Inasmuch as it is the responsibility of the OIA to provide written orders to an Auxiliarist in advance of an assignment to duty, it is equally incumbent upon the Auxiliarist to contact the OIA if such orders have not been received in advance of the mission. Failure to do so will jeopardize the Auxiliarist's ability to properly prepare for the assignment, make necessary travel arrangements, and/or receive appropriate reimbursements upon completion of the assignment.

J.5. Requests for Assistance by Other Agencies

On some occasions, the cognizant Coast Guard command for a region or a local Auxiliary unit may receive a request for assistance from another agency (e.g., another Federal agency or a State government). If the Coast Guard agrees to respond and assist to such request, and Auxiliarists are part of the response and assistance plan, then they shall be recognized as Auxiliarists and their efforts may be captured accordingly in AUXDATA. For example, if a state formally requests recreational boating safety public education support from the Coast Guard for a remote region, and the cognizant Coast Guard command for the region agrees to provide such service by identifying local Auxiliary resources as the most appropriate service delivery mechanism, then those Auxiliarists who provide the support shall be recognized as Auxiliarists assigned to duty for purposes of the Coast Guard's response and assistance. Whenever such requests for assistance are directed to an Auxiliarist instead of the cognizant Coast Guard command, the Auxiliarist must forward the request along with their plan to address it to the cognizant Coast Guard command or the Director, as appropriate, in order to ensure Coast Guard awareness. In all cases except those covered by provisions of a standing MOA/MOU between the other agency and the Coast Guard or Coast Guard Auxiliary, a written request must be received even in follow-up to a verbal request for assistance. Written requests must be signed or e-mailed by an appropriate agency authority.

If an Auxiliarist independently acts upon the request of or accepts orders for an assignment directly from an agency other than the Coast Guard, then performance of such an assignment shall not be recognized as being in support of the Coast Guard. Neither the Auxiliarist nor the assignment shall be subject to provisions of this or any other Coast Guard directive or policy. Further, the individual shall not be afforded protections as an Auxiliarist who has been assigned to duty by an appropriate Coast Guard OIA and who has acted within the appropriate scope of employment. For example, an Auxiliarist who requests, receives, and/or agrees to execute orders issued by the Federal Emergency Management Agency (FEMA) to perform FEMA-specific tasking shall be recognized as a volunteer or employee for FEMA only, not as an Auxiliarist. Performance data and information associated with such FEMA assignment shall not be captured within AUXDATA nor credited to the Auxiliary or the individual in their capacity as an Auxiliarist.

J.6. Implicit Assignment to Duty

Due to the Redacted content per Presidential Executive Order No.14176 volunteer nature of authorized Auxiliary activities, the significant volume of Auxiliary participation in these activities, and the broad geographic distribution of Auxiliarists, it is neither administratively practical nor pragmatic to expect Coast Guard orders to be issued for the performance of every Auxiliary activity. Auxiliarists must therefore be considered implicitly assigned to duty when they perform many authorized activities for which they may claim Auxiliary activity hours without Coast Guard orders. Such activities include, but are not limited to:

- a. Attending Auxiliary meetings.
- b. Performing training ashore.
- c. Performing administrative functions at home or in a residence.
- d. Performing Vessel Safety Checks (VSCs).
- e. Teaching an Auxiliary boating safety course.
- f. Manning a public affairs booth at a boat show.
- g. Meeting with other agency counterparts to coordinate boating safety efforts.

It must be equally understood that implicit assignment to duty does not constitute a guarantee of any liability coverage by the Coast Guard if the circumstances of a claim, as determined by appropriate investigation, do not warrant such coverage.

J.6.a. Unit-level Awareness

For the performance of many kinds of authorized Auxiliary activities, Auxiliary unit-level awareness is appropriate to properly satisfy assignment to duty concerns as well as provide for the safety and security of the Auxiliarists who perform them. In general, authorized Auxiliary activities that do not require actual programmatic engagement or travel outside an Auxiliarist's home or residence (e.g., making telephone calls, computer work, other administrative functions) do not warrant Auxiliary unit-level awareness.

Although formal verbal or written orders do not have to be issued by a Coast Guard OIA to authorize the conduct of many authorized Auxiliary activities, Auxiliarists who perform them should keep their Auxiliary unit leader informed of their plans and should, as a minimum, attempt to advise their immediate Auxiliary program manager, in advance, of their intent to do so (an advance verbal or e-mail notice of intent, even if not acknowledged, is sufficient). For example, a PV who intends to visit several marine stores the following weekend should attempt to advise the FSO-PV in advance (it would be best to advise both FSO-PV and FC). Advance publication and distribution, either on paper or electronically, of a schedule of Auxiliary program activity to members of an Auxiliary unit or program network that identifies individual Auxiliarists for scheduled activities constitutes Auxiliary unit level awareness for this purpose.

J.6.b. Short
Notice

A last-minute decision to participate in a mission, or participation in response to a short-notice request for assistance, does not relieve an Auxiliarist from attempting to make advance notification. For example, a VE who plans to respond to a web-based request for a VSC the following day should still, as a minimum, attempt to advise the FSO-VE in advance. Advance verbal or e-mail notice of intent, even if not acknowledged, constitutes Auxiliary unit level awareness for this purpose.

J.6.c. Failure to
Notify

Failure to attempt to appropriately attain unit-level awareness in accordance with these provisions may jeopardize an Auxiliarist's recognition as having been properly assigned to duty, implicitly or otherwise, and may place an Auxiliarist at considerable risk in terms of subsequent reimbursements, scope of employment determinations, and liability coverage.

**J.7. Use of
Private Motor
Vehicles**

Auxiliarists are authorized to use private motor vehicles for authorized Auxiliary activities without Coast Guard orders unless they plan to seek reimbursement for expenses. In addition to routine travel to and from authorized activities, private motor vehicles may be used in the performance of other authorized activities such as participation in parades (i.e., towing a boat or a float), performing a chart updating mission, or conducting environmental activities. Coast Guard orders are required if a motor vehicle is being used as a land mobile radio or radio direction finding facility or in the performance of AtoN or shoreside harbor patrol missions. Appropriate orders and contingency (pocket) orders may be issued to operators of fixed land and land mobile radio and radio direction finding facilities.

**J.8. Trailering
Government
Property**

Trailering of government property by Auxiliary unit-owned vehicles and/or trailers which are personal property of the Auxiliary or owned by members of the Auxiliary, which have been offered and accepted for use, and which are under orders is authorized. The Auxiliary may continue to tow Coast Guard owned vessels using government owned vehicles and trailers.

The Auxiliary Vehicle Offer-for-Use form (ANSC-7065) shall be submitted by Auxiliarists to ensure the Coast Guard is aware of the suitability of their vehicles for expected use described above. It should not be submitted if there is no expectation of such use. The form provides the means by which Auxiliarists acknowledge the offer of their vehicles for such purposes and that their vehicles are properly insured, licensed, registered, inspected, and rated to tow anticipated loads. The form must be signed by each owner of the vehicle. If titled in the name of both spouses, then both spouses must sign. In cases in which the vehicle may be titled in the name of a bank due to its holding of a lien, the Coast Guard recognizes that circumstance as a “security interest” on the part of the bank, not an “ownership interest.” Therefore, the Auxiliarist may sign and submit the form as the owner. If the Auxiliarist’s vehicle contract has specific provisions that do not authorize towing, then the Auxiliarist should consult with the lien holder if they desire to offer the vehicle for use. The form must be submitted on an annual basis (the offer is valid for one year from the date of acceptance for use as reflected by the Director’s signature approval). If any of the information provided on the form changes during the course of the year, then the offer-for-use becomes invalid, and a new form with updated information must be submitted.

**J.9. Claiming
Assignment to
Duty**

The quantified compilation of each Auxiliarist’s activity is vital to the Coast Guard’s ability to measure program effectiveness, articulate value, and assess return on investment. Moreover, the volunteer nature of Auxiliary service places a premium on recognition of activity. It is, therefore, critical that Auxiliarists ensure the timely and accurate reporting of any Auxiliary activity.

When an Auxiliarist is assigned to duty, whether implicitly or under orders, and is engaged in an authorized activity that supports Coast Guard missions, including member training, administrative, travel, and preparatory activities, the Auxiliarist may claim such effort to the nearest whole hour using appropriate forms and mechanisms designed to capture such information in AUXDATA.

With respect to Temporary Additional Duty (TAD) assignments (e.g., travel under orders to Auxiliary meetings, conferences, schools), the assignment to duty period effectively begins upon departure from the Auxiliarist's home and ends upon return presuming no diversions for leave or personal business. As a simplified example, an Auxiliarist who lives in Orlando, Florida and travels to Petaluma, California to attend an Auxiliary C-school, may claim all activity hours from the time they depart their home in Orlando, travel directly to the airport for their flight, fly directly to Petaluma, attend school, fly directly back to the airport, and travel directly back to their home. Hours spent sleeping and neither in class nor studying may still be claimed because the nature of their activity requires their presence away from home and is part of their defined TAD period.

Unless in uniform and in the presence of their facility, Auxiliary unit, or Coast Guard unit, Auxiliarists who make themselves available to recall by an OIA may not claim the time they are awaiting a potential call. For example, an Auxiliarist who has informed an OIA that they will respond to a call-out during a heightened period of readiness (e.g., a period of hurricane preparedness) but who may otherwise go about their personal business, may not claim the hours awaiting call-out. If called to respond, Auxiliarists may claim the hours from the time they proceed to respond, are engaged in the mission, and until they resume their personal business.
