

## Assignment to Duty: What Every Auxiliarist Needs to Know

As we are now into the summer months and fully involved with operational support to the Coast Guard and doing the many missions we do in the Auxiliary, I want to take this opportunity to remind us all of the importance of "Assignment to Duty" and what that means.

Often members of the Auxiliary refer to being covered or "insured" by the government as if there is an insurance policy that covers everything we do in the Auxiliary. You may think, is this the new ObamaCare? Well that's a whole other topic for others to discuss.

Assignment to Duty is actually more about the basic law that created the Auxiliary and how members doing Auxiliary missions fall under the umbrella of law as "volunteer" Federal employees.

What the law did was make sure that when we are doing Auxiliary work—aka "Assigned to Duty"—we would be eligible for care and compensation in case of injury or accident while "Assigned to Duty," just as other federal employees are covered while working. Basically, if you are "Assigned to Duty" and are injured, you are covered under the Federal Employee Compensation Act (FECA). The key is while "Assigned to Duty."

"Assignment to Duty" is not hard to attain. It may be as easy as doing Auxiliary missions on orders, or simply by having reported your plans to the knowledge of an elected leader or staff officer to do a mission on a certain date and time. This could be done by emailing or calling your plans to do Vessel Safety Checks, or following a flotilla schedule for presenting a PE class. Doing training under a qualified Vessel Examiner at a ramp would also fall within "Assignment to Duty" just as training for other mission areas with trained members would.

The basic key to proving Assignment to Duty is a prior awareness of your effort to conduct Auxiliary missions by an elected Auxiliary leader or responsible flotilla staff officer. This is the important part to remember because with any injury claim there will be an effort to review and determine that "Assignment to Duty" is clear.

So as an example, a copy of the email you sent noting that you're doing Vessel Safety Checks will meet the requirement. While the Coast Guard will help in the process of a claim, it is the Department of Labor and Department of Justice that are the authority in approving claims. Experience has shown the process is not overly burdensome or challenging. In most cases the system has done a great job of ensuring injured Auxiliary members have been appropriately compensated per FECA.

The key things to remember are communication and documentation: 1) Make sure when you are doing Auxiliary missions there is awareness by leaders and or staff officers of what you are doing and when. 2) Make sure that if you are injured you seek care ASAP. 3) Make sure you, a fellow member, or family member advise leaders of the injury so a claim can be started working with the DIRAUX office before 30 days pass. As always a form is involved and the Department of Labor form CA-1 is the form to start the process. **So as you conduct Auxiliary missions, make sure you are thinking about what you have done to meet being "Assigned to Duty."** The AuxMan Chapter 5 section J is a good reference.

One interesting caveat: Federal Employees are not covered by FECA for any injuries sustained traveling to and from work. This same principle of FECA also applies to Auxiliarists—we are not covered going to and from our regular flotilla meeting, since that is considered our "place of work." Can offering training at our unit meeting reclassify the meeting as a "training event" and therefore enable FECA coverage? No. Federal Employees have training at their workplace but that does not enable coverage under FECA when going to work that day. Same goes for us. **Page 1 of 2**



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### Assignment to Duty: What Every Auxiliarist Needs to Know (continued)

Make sure you carry proper auto insurance and health insurance. While FECA provides items beyond your insurance coverage, your insurance is likely to be charged first, and FECA will likely come in on deductibles. However, there is the possibility of lost wages and other compensation under FECA. Note the word choice used here: "likely" and "possibly" because every case is different, though in general, there is going to be compensation under FECA as long as you are found to be "Assigned to Duty."

There are a lot of "what if's" and varying scenarios because each case is different and that makes for confusion. The one key is remembering that doing all you can to help support being seen as "Assigned to Duty" will ensure you are provided an added coverage/benefit to getting you taken care of, should you be injured. Having auto insurance and health insurance is a good idea as it can add to what you are covered for.

In most all cases your auto insurance is responsible for your car. Exceptions MAY BE when towing under orders but those cases are not a FECA item. FECA applies to the employee, not the vehicle. Vehicles fall under the Damage Claim process just as boat damage is handled via claims. If you are in an accident on the way to a meeting, it is your auto insurance that is likely going to be on the hook for all claims.

On the other hand, if you are on the way to go on patrol, do VSC's, or PE and have an accident, FECA will likely apply for your injuries along with your auto insurance for your vehicle (and maybe some medical). You MAY BE able to submit a claim to the Coast Guard for auto damage but several factors will come into play because it goes via the Damage Claim process.

#### Here are 5 Examples:

A member was injured while on patrol. The member had no insurance and the injury caused the member to lose employment. Under FECA all medical was covered and the member was compensated for lost wages from the time of injury and for several months while recovering.

A member was killed in an auto accident on the way to the post office to mail out the flotilla minutes to all the members. By being able to prove that this was a routine trip solely done as part of the member's Auxiliary duties each month, the family was ultimately provided compensation on account of the member being "Assigned to Duty" when the accident occurred. This was travel not to or from a meeting.

A member happened to be at a fuel dock when an Auxiliary facility on patrol pulled in to refuel. The member was helping with lines and fell breaking an arm. The member was not found to be "Assigned to duty" as the member just happened to be in the area but was not involved with any Auxiliary mission and was not part of crew on patrol.

An Auxiliary crew is on patrol and pulls in for a lunch break at the boat ramp. They send a member to take the truck and get sandwiches. On the way, the member has a flat tire and does minor damage to the vehicle but there are no injuries. The damage claim is denied because the trip for sandwiches was outside of what is covered for damages while on patrol. The member's auto insurance covered the damage.

While traveling under orders a member suffers an engine breakdown on the highway. A claim for damage is denied because wear and tear is already covered as part of the mileage rate provided while under orders.



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