

## Modified Duty Assignments

### 1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning Members to modified duty. Temporary modified-duty assignments may be available to Members who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Sheriff or his/her designee.

Modified-duty assignments are intended to provide a Member with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive Member during the interim period.

The Department shall engage in a good faith interactive process to consider reasonable accommodations for any Member with a temporary or permanent disability.

#### 1054.1.1 DEFINITIONS

**Modified Duty:** A temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified duty also may be termed as light-duty assignments.

### 1054.2 LIMITATIONS

Modified-duty assignments are a management prerogative and not a Member right. Modified-duty assignments shall be subject to continuous re-assessment dependent upon Department need and the Member's ability to perform in a modified-duty capacity.

An injured Member may be assigned to a modified-duty position outside of his/her normal assignment or duties if it becomes available. If the injury or illness is non-duty related, the Member shall be given the option to either accept the position or continue to draw on sick leave or other leave accounts as applicable.

1. If a Member cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
2. The lack of Department need or a change in priorities may result in the Member's removal from or modification of a modified-duty assignment.
3. The Department may place conditions as deemed appropriate upon any modified-duty assignment.
4. Members accommodated in modified duty assignments are expected to respond to subpoenas and provide court testimony as necessary. Members who are unable to appear and testify in response to a subpoena because of an industrial or non-industrial injury or illness must provide written documentation from their health care provider indicating their inability to appear and testify.

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### **1054.3 PROCEDURE**

Members may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations, and expected duration to their Commander or his/her designee and the Return to Work Unit. The statement must also indicate if the Member requires any workplace accommodations, mobility aids, or medical devices.

The Commander shall determine what modified-duty assignments may be available based on the needs of the Department, limitations of the Member, and suitability of the Member to work a particular assignment.

#### **1054.3.1 MODIFIED-DUTY SCHEDULES**

The schedules of Members assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Commander.

The Member and his/her supervisors should be informed in writing of the schedule, assignment, limitations, and restrictions as determined by the Member's health care provider.

#### **1054.3.2 ACCOUNTABILITY**

1. Members on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses shall be arranged during off-duty time or otherwise charged to the Member's sick leave or other leave accounts as applicable.
2. Members shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor and the Return to Work Unit of any change in restrictions or limitations as determined by their health care provider. A Member assigned to a modified-duty assignment shall provide a duty status report to the Return to Work Unit no less than once every 30 days while the Member is on modified duty.
3. Supervisors shall keep the Commander apprised of the Member's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days shall require a written status report and a request for an extension to the Commander with an update of the Member's current status and anticipated date of return to regular duty. Extensions require approval of the Sheriff or his/her designee.
4. When it is determined that a Member on modified duty shall return to regular duty, all training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1054.3.3 MEDICAL EXAMINATIONS**

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any Member assigned to a modified-duty assignment or of any Member having been on such assignment. Such examinations shall be at the expense of the Department.

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Prior to returning to full-duty status, Members shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

### **1054.4 MAINTENANCE OF CERTIFICATION AND TRAINING**

Members assigned to modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any limitations or restrictions. Members who are assigned to modified duty shall inform their supervisor of any inability to maintain any certification, training, or qualifications.