

Temporary Modified Duty

Index Code: 712

Effective Date: 08/01/12 (Revised 3/1/2021)

I. Purpose

The purpose of this directive is to establish a Temporary Modified Duty Program to provide employees sustaining a work related injury or illness with temporary modified work during a period of medical recovery when unable to perform pre-injury duties.

II. Policy

It is the policy of the Office of the Sheriff to provide employees temporarily incapacitated or limited in duties with productive employment, consistent with the agency's needs and the employee's specific incapacitation or limitation. This policy is designed to insure the safety of the employee, fellow employees, the public, and address potential liability issues.

Providing employees with positions consistent with their modified duty or restricted duty status is a privilege, not an inherent right, and is contingent upon availability and anticipated duration. In the event a modified duty/restricted duty position is not available or feasible it is incumbent upon the affected employee to take appropriate leave.

III. Definitions

A. Full Duty - An employee is considered to be on a "full duty" status when he or she is able to perform the duties and responsibilities required by his or her full time position for which they were employed.

B. Modified Duty - An employee is considered to be in a "modified duty" status, also referred to as "light duty" status, when he or she is unable to perform the duties and responsibilities required by his or her full time position for which they were employed (usually as a result of an injury), and has been released by the attending physician to perform duties less vigorous than required by their regular job assignment.

C. Restricted Duty - An employee is considered to be in a "restricted duty" status when they are unable to perform the duties and responsibilities required by their full time position due to a pregnancy (or it is not recommended by the attending physician as a precautionary measure), and has been released by the attending physician to perform duties less vigorous than required by their regular job assignment. Other situations may exist from time to time whereas an employee may be on restricted duty and not be pregnant.

IV. Modified Duty Assignments

A. To the extent possible, every effort will be made to provide employees with temporary modified duty assignments in accordance with their medical limitations when such work is available. If a modified duty assignment is unavailable for an employee, the employee will be required to use leave. This policy will in no way be construed to mean that modified duty is guaranteed.

In general, modified duty assignments are restricted to a maximum of twelve (12) weeks; however, the Sheriff or Undersheriff may extend the period of time if it is in the best interest of the Office of the Sheriff in accomplishing its mission, there is a documented, anticipated and reasonable date for a return to full duty and meaningful work is available.

B. Modified duty assignments will be coordinated through the employee's Division Commander with the approval of the Sheriff or Undersheriff. The procedures for considering or placing an employee in a modified duty position are as follows:

1. The affected employee must submit a request for modified duty status to his/her Division Commander, and provide the Division Commander with a physician's medical release for modified duty. The medical release must indicate the restrictions imposed on the employee during the modified duty assignment and the date for the next medical evaluation using the Modified Duty Request Form.
2. The Division Commander will forward the request for modified duty status and the physician's medical release, along with a recommendation for reassignment, to the Undersheriff.
3. After consulting with the Sheriff, the Undersheriff will make a determination to honor or not honor the request for modified duty status based on position availability and notify the affected employee accordingly.
4. An employee who qualifies for FMLA leave, and who elects to take FMLA leave, cannot be forced to accept a modified duty assignment.
5. An employee on modified duty is responsible for providing medical documentation to his/her modified duty-assignment supervisor on a regular basis (at least monthly) or whenever requested to do so. In cases of work-related illness or injury, the employee will keep their Supervisor informed of any medical appointments if applicable.
6. It is the responsibility of the supervisor in charge of the modified duty assignment to ensure the attendance and performance of duties of the employee assigned to them. If there is a problem with an assignment, the appropriate Division Commander should be notified so that the assignment can be reassessed.

V. Modified Duty Restrictions

Sworn employees in modified duty assignments are subject to the following provisions:

- A. Deputies in a modified duty status will be provided an assignment consistent with documented medical limitations. In some staff assignments, the deputy's regularly assigned job may satisfy the modified duty requirements. An employee on modified duty status may participate in the classroom portion of in-service training without any physical activity such as handcuffing, takedowns, etc.
- B. The uniform, and other items that would easily identify the deputy to the public as a law enforcement officer, will not be worn during modified duty assignments. Deputies placed on a "modified duty" or "restricted duty" status shall wear appropriate business attire upon reporting for duty based upon the duty assignment.
- C. Deputies on modified duty status will take no law enforcement action. Employees placed on modified duty status shall be designated as "Non-Officer Status" through the MPCTC. Affected employees shall surrender their agency firearms, badges and identification cards for temporary safekeeping until they are authorized to return to full duty.
- D. A deputy who is not fit for full duty will be excluded from the PPV program and operation of a marked police vehicle for the duration of the modification. The deputy may operate an unmarked administrative vehicle in a non-emergency capacity, (i.e., administrative duties), if necessary, for their job function and their attending physician places no limitation on driving.
- E. Secondary or extra duty employment in a law enforcement or security related capacity shall not be allowed unless authorized by the Sheriff or Undersheriff and not restricted by the attending physician.

VI. Restricted Duty

- A. When an employee determines that they are pregnant, they will notify their Division Commander via the chain of command, accompanied by a statement from their attending physician indicating their approximate due date and the date beyond which they will be unable to perform all of the duties of their position. A pregnant employee who is unable to perform all of the duties of their position will be assigned to "restricted duty" for the duration of their time at work before delivery.
- B. A deputy who is not fit for full duty will be excluded from the PPV program and operation of a marked police vehicle for the duration of the modification. The deputy may operate an unmarked administrative vehicle in a non-emergency capacity, (i.e., administrative duties), if necessary, for their job

function and their attending physician places no limitation on driving.

C. At any point during the employee's "restricted duty," if the restrictions change, the employee must turn in a letter from their physician stating the new restrictions.

D. A pregnant employee, pending release from their physician, can attend in-service training for the classroom session but will not be permitted to engage in physical activities (*i.e.* practical training exercises, scenarios, etc.)

E. Employees placed on restricted duty status shall be designated as "Non-Officer Status" through the MPCTC. Affected employees shall surrender their agency firearms, badges and identification cards for temporary safekeeping until they are authorized to return to full duty.

F. An employee may not return to "full duty" status until the employee provides written documentation from their physician stating that they are capable of performing their required duties.

VII. Return to Duty

A. Employees returning to "full duty" status must submit a physician's certificate stating that the employee is physically/psychologically able to return to full duty with no limitations.

B. The employee may, at the discretion of the Sheriff/Undersheriff, be required to submit to a physical examination by a physician previously chosen by the Office of the Sheriff.

C. If a sworn employee was on "modified duty" or "restricted duty" status and did not meet the MPCTC annual firearm requirements, the deputy must successfully re-qualify with their duty weapon prior to being returned to "full duty."

D. Once an employee has met all requirements/standards to return to "full duty", the employee may resume working approved secondary/extra duty employment.

VIII. CALEA References: None

Proponent Unit: Administrative Services

Cancellation: This directive cancels Index Code 712 dated 6/22/16.

Sheriff Gary Hofmann