

## Modified-Duty Assignments

### 1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees 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 Chief of Police or a designee.

Modified-duty assignments are intended to provide an employee 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 employee during the interim period.

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

### 1054.2 DEFINITIONS

Definitions related to this policy include:

**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.

### 1054.3 LIMITATIONS

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

An injured employee 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 not duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts as applicable.

- If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.
- The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
- The Department may place conditions as deemed appropriate upon any modified-duty assignment.

### 1054.4 PROCEDURE

Employees 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 Deputy Police Chief of Operations or a designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Deputy Police Chief of Operations will determine what modified-duty assignments may be available based on the needs of the Department, the limitations of the employee

# Peoria Police Department

## Policy Manual

### *Modified-Duty Assignments*

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and the suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the employee's Commander or Deputy Police Chief. Assignments of longer duration are subject to the approval of the Chief of Police or a designee.

#### **1054.4.1 ACCOUNTABILITY**

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- Employees 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 that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify Human Resources Department of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a work status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.
- Supervisors shall keep the Deputy Police Chief of Operations apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 90 days will require a written status report and a request for an extension to the appropriate Deputy Police Chief and the Human Resources Department, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police and Human Resources Director or a designee.
- When an employee on modified duty receives a full duty release from the treating physician they will return to regular duty, the supervisor shall notify the Deputy Police Chief of Operations, Human Resources Department and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

#### **1054.4.2 MEDICAL EXAMINATIONS**

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

#### **1054.5 PREGNANCY**

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

#### **1054.5.1 EMPLOYEE NOTIFICATION**

An employee who learns of her pregnancy should notify her immediate supervisor as soon as possible. The employee must inform the Department of her intent regarding reassignment, job accommodations and apply for Family Medical Leave (FMLA) with Human Resources. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

# Peoria Police Department

## Policy Manual

### *Modified-Duty Assignments*

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#### **1054.5.2 SUPERVISOR'S RESPONSIBILITY**

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the appropriate Deputy Police Chief, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department and medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's personnel rules and regulations regarding family and medical care leave.

#### **1054.6 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

#### **1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees 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. Employees who are assigned to modified-duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

The Chief of Police or a designee, at his/her discretion, may petition AZPOST to waive certification, training or qualification requirements on behalf of an employee assigned to modified-duty.