I. POLICY

Temporary, modified-duty assignments may be available to member 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, however, the City may deny a modified-duty assignment at its sole discretion. Eligibility for modified-duty assignment is subject to the approval of the City Human Resources Administrator and the Police Chief, or their designee.

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

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

II. DEFINITIONS

Modified Duty - Means 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.

III. PROCEDURE

A. Assignments

1. Modified-duty assignments are a management prerogative and not a member’s right. Modified-duty assignments shall be subject to continuous re-assessment, dependent upon City/Department need and the member’s ability to perform in a modified-duty capacity.

2. Neither the City nor Department has permanent light-duty positions. Assignments are intended to be short in duration so that member return to their regular duty-assignment as quickly as possible with the least negative impact on the City/Department as possible. Light-duty assignments will not exceed six months.

B. Limitations

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

1. If, for any reason, a member cannot adequately perform in a modified-duty assignment, such assignment may be further modified or terminated.

2. The lack of City/Department need or a change in priorities may result in the member’s removal from or modification of a modified-duty assignment.

3. The City/Department may place any conditions deemed appropriate upon any modified-duty assignment.

C. Request for Modified Duty

1. Members may request assignment to modified duty by providing a signed statement from their health care provider describing the member’s work restrictions and limitations and their expected duration to their Bureau Commander/Manager or the Police Chief (executive manager). The statement must also indicate if the member requires any workplace accommodations, mobility aids, or medical devices.

   a. The note provided by the treating health care provider must contain specific limitations or provide enough information so the executive manager can determine whether or not the work restrictions can be accommodated. If the note is incomplete, the member will be sent back to the health care provider for a clarifying note or the request for modified-duty will be denied. The burden for obtaining a health care provider note rests with the member. Failure to produce a health care provider note will result in the member having to request sick leave or other leave pursuant to existing rules.

   b. An executive manager approving a modified-duty assignment will indicate across the face of the health care provider note whether the modified-duty request will be accommodated or not. The form/note will be forwarded to the Human Resources Administrator via the chain-of-command after any schedule modifications are noted in the member’s schedule book. The Human Resources Administrator has the finally authority to approve or deny a modified-duty assignment.

2. The executive manager will 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. Should the Department be unable to provide a temporary, modified-duty assignment, the member will be referred to the City Human Resources Administrator who will determine whether the member can be temporarily re-assigned to another City department.

D. Schedules and Accountability

1. Without exception, members shall follow all restrictions and executive manager-imposed limitations of their modified-duty status.

2. The approving executive manager shall assign a supervisor to oversee the member’s work during the modified-duty assignment. If the modified-duty assignment will exceed one week, the approving executive manager shall notify all supervisors of the member’s status and restrictions. The notification will contain the following:

   a. The member’s work days/hours.
   b. Specifically, who the member’s supervisor will be during the modified-duty assignment.
c. The member’s assigned duties.
d. The member’s work restrictions.

3. Members on modified-duty shall not be engaged in field work or drive department vehicles, unless they have express permission from an executive manager, who must first make a determination of the nature of the field work or driving and determine whether it falls under the restrictions and limitations of the modified-duty assignment.

a. Members shall not drive marked Davis PD vehicles or wear any part of the uniform while in a department vehicle while on modified-duty.
b. No enforcement action may be taken while the member is on modified-duty.
c. It is the specific intent of this provision that members avoid doing any driving which may put them in a situation which could aggravate their injury.
d. Sworn officers are prohibited from carrying a firearm during their modified-duty assignment, unless the Department Firearms Coordinator specifically authorizes the carrying of the firearm. Authorization shall be emailed to the supervisor overseeing the member. Until the determination is made, no firearm may be carried. Members who are unable to maintain regular firearm qualifications shall be prohibited from carrying a firearm.

4. Members on modified-duty should dress professionally and in accordance to PP-10.02, Plain Clothes Assignments.

a. A manager may approve an alternate dress code to accommodate an injury or condition.

5. Members on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments with their supervisor in advance, to properly 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 member’s sick leave.

6. Members shall promptly submit a written status report for each visit to their treating health care provider and shall immediately notify their manager of any change in restrictions or limitations as determined by their health care provider. All status reports will be forwarded to the member’s executive manager and Human Resources.

7. A member assigned to a modified-duty assignment shall provide a duty status report no less than once every 30 days while the member is on modified-duty. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension that must be approved by the City Human Resources Administrator and the Police Chief.

8. When it is determined that a member on modified duty will return to regular duty, the member will notify the executive the manager and ensure they are listed back on their appropriate duty schedule. All training and certifications necessary for return to duty shall be reviewed and updated as necessary.

E. Medical exams

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.
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.

F. Pregnancy

1. In the interest of not routinely exposing pregnant members to potentially hazardous environments or activities, it is the policy of the Department, that upon the request of a pregnant member for reassignment, or when deemed necessary by the Department, to reassign such pregnant members to temporary assignments that will not expose them to those risks.

2. A member who learns of her pregnancy should notify her executive manager of the pregnancy as soon as practicable. The member must inform the Department of her intent regarding reassignment, job accommodations, and anticipated leave for the pregnancy or prenatal care. The member shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

3. Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment, or leave, the executive manager will consider assigning the member to an available temporary, modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the member’s health care provider.

4. If at any point during the pregnancy it becomes necessary for the member to take a leave of absence, such leave shall be granted consistent with the City’s Rules and Regulations regarding family and medical care leave.

G. Probationary Members

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

H. Training/certification

Members assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certifications, 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 certifications, training, or qualifications and must meet them prior to returning to full-duty.

Darren Pytel
Police Chief
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