



ERIE POLICE DEPARTMENT



Written Directives

Number: **050.003**

Title: Modified Duty		Pages: 7
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POLICY:

Subject to operational considerations, the Erie Police Department may identify short-term, modified duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. Examples of a temporary limitation could be a sprained ankle from a foot pursuit or an employee's pregnancy. There are many such examples which may occur while on or off duty.

The Erie Police Department recognizes its diverse workforce is a valuable resource. Trained and experienced police officers and non-commissioned members are critical to the success of the department. The department's goal is to assist employees who are on temporary, modified or maternity duty return to full duty at the earliest possible opportunity.

This policy establishes procedures to modify full-duty assignments and, when needed, provide temporary, alternative duty assignments to eligible employees when they are unable to perform all of the essential functions of their normal assignments. 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 and/or Town with a productive employee during the interim period.

DEFINITIONS:

MATERNITY DUTY: Modified work assignments designed to accommodate pregnant employees' physical and medical limitations. Maternity Duty may consist of nonhazardous assignments such as writing police reports, operating a police radio, interviewing victims and/or witnesses, and general clerical functions.

MODIFIED DUTY: A temporary modification or adjustment of an employee's duties for a specific physical or psychological condition. This modification may be made due to either a work related or non-work related injury/illness.

NON-WORK RELATED INJURY/ILLNESS: An injury or illness in which the cause cannot be attributed to performing employee's regular duties. Non-work related injuries/illnesses are ineligible for worker's compensation.

ON-DUTY INJURY/ILLNESS: An injury or illness caused, contributed or significantly aggravated by events or exposures while performing employee's regular duties, during training, or traveling to/from training. On-Duty injuries/illnesses are eligible for workman's compensation.

WORKER'S COMPENSATION: An insurance benefit providing wage replacement and medical benefits to an employee who suffers a work related injury/illness.

WORK RELATED INJURY/ILLNESS: An injury or illness which can be directly attributed to an incident or action performed during the employee's regular duties.

PROCEDURES:

I. GENERAL GUIDELINES

- A. This policy is not intended to interfere with or diminish any rights or privileges to which an employee may be entitled under federal, state, or local law and any other Erie Police Department or Town of Erie directive.
- B. 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.
- C. An employee requesting a modified duty assignment will be extended an offer of temporary employment via formal offer letter issued by Town of Erie Human Resources.
- D. If modified duty is granted, restrictions, days off, hours and other guidelines will be provided via a Modified Duty Restrictions form (050.003 Modified Duty Appendix A). Typically, for non-maternity Modified Duty, the employee will be assigned to work Monday through Friday, 0800 – 1630 hours and shall not be allowed to drive a marked department vehicle. The number of days and number of hours worked will be dependent upon medical restrictions and available work assignments.
- E. Modified duty assignments are subject to continuous reassessment with consideration given to operational needs and the employee's ability to perform in a modified duty assignment.
- F. Permanent modified duty assignments will not be created.
- G. The Chief or the authorized designee may restrict commissioned employees working in temporary modified duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their official peace officer powers.
- H. If an employee is unable to work in any capacity due to medical complications, the employee must submit a written request to Human Resources to be placed on FMLA leave according to the Town's Administrative Policies & Procedure Handbook.

- I. An employee who is unable to work during a temporary period of illness or injury will be contacted on a weekly basis by their immediate supervisor or a member of Command Staff for status updates.
- J. Modified duty assignments shall generally not exceed a cumulative total of 1040 hours in any one-year period. An employee who may need to remain on modified duty beyond this limit will, on a monthly basis, submit a written request through their Chain of Command to the Chief of Police. Upon request by the employee to return to duty as regular status, the employee must provide a written release from their treating medical professional to resume their regular duties.
- K. The Maternity Duty portion of this policy applies to all female law enforcement applicants and/or employees. (See sections IV, V and VI)
- L. Typically, officers assigned to Modified or Maternity Duty are eligible to carry their firearm as long as they meet the requirements of Erie Police Department Directive 020.001 Firearms to remain qualified to carry. Officers on Modified or Maternity Duty shall not wear any part of the uniform or have any part of their badge/ID or firearm visible to the public.

II. WORK RELATED INJURY / ILLNESS

- A. Employees who become injured or ill while on duty due to a work-related incident or exposure may seek a temporary modified duty assignment by submitting a written request through their Chain of Command to the Chief of Police. The request should, as applicable, include a certification from the treating medical professional containing:
 - 1. An assessment of the nature and probable duration of the illness or injury;
 - 2. The prognosis for recovery;
 - 3. The nature and scope of limitations and/or work restrictions;
 - 4. A statement regarding any required workplace accommodations, mobility aids or medical devices; and
 - 5. A statement the employee can safely perform the duties of the temporary modified duty assignment,
- B. Employees may request a temporary Modified Duty assignment for short-term injuries or illnesses. The Department will evaluate work needs prior to assigning an employee to Modified Duty. The Department will attempt to accommodate the reasonable and necessary temporary modified duty requests based on the department's needs, the availability of work, and the employee's ability to perform those available tasks.
- C. Any Modified Duty assignment will be documented, along with work restrictions, on a Modified Duty Restrictions Form (see Appendix A).
- D. Employees are compensated through Worker's Compensation for doctor appointments related to the recovery from the work related injury/illness. Documentation of the appointment dates, times

and locations must be submitted on a Worker's Compensation Tracking Form (see Appendix B) with the employee's timesheet.

- E. The Chief or authorized designee shall confer with the Department of Human Resources or Town Attorney as appropriate regarding Modified Duty requests.
- F. Written documentation of a pregnancy from a medical provider should be provided to the Human Resource Department, including an anticipated due date, if possible, when the employee requests a modified duty assignment or maternity leave. For planning purposes, the same notification of the anticipated due date should be provided to the employee's Chain of Command.
- G. For public safety and management planning purposes, an officer who becomes pregnant shall notify the Chief of Police via the Chain of Command.

III. NON-WORK RELATED INJURY / ILLNESS

- A. An employee who is temporarily disabled due to a non-work related injury, illness, or other temporary disability may receive provisional modified duties within the department if duties consistent with the employee's work restrictions are available.
- B. All temporary non-work related modified duty reassignments are discretionary in nature.
- C. The department will attempt to accommodate the reasonable and necessary temporary modified duty requests based on the department's needs, the availability of work, and the employee's ability to perform those available tasks. Factors in granting non-work related modified duty include:
 - 1. Non-work related modified duty is intended for employees who expect to miss fifteen (15) or more work days. For shorter periods, employees should use accumulated sick leave or other appropriate forms of leave.
 - 2. Non-work related modified duty will only be granted if the department has actual work which meets the employee's work restrictions. The department is not required to and should not be expected to create work for non-work related modified duty reassignments.
 - 3. Work-related modified duty will take precedent.

IV. FULL-DUTY OPTION (MATERNITY)

- A. During a pregnancy, an officer may be able to continue to work in her usual, full-duty assignment until the employee and/or her physician determine the need for a modified accommodation. Command staff, upon receiving notification from the employee's physician,

will establish a temporary assignment for the officer and designate their work status as Maternity Duty.

- B. Both the physician and the employee should consider the risks and benefits of remaining on a full-duty status. The Erie Police Department will not require an officer to accept a Maternity Duty assignment unless directed by their physician or the employee identifies their need for an accommodation.
- C. During the pregnancy, it may become necessary for the Erie Police Department to evaluate the employee's continuing ability to safely and effectively perform the essential functions of a police officer position. In such a case, the Erie Police Department may consider whether the pregnancy creates an undue safety risk to the employee, co-workers, and/or the public. The Erie Police Department may consult with the employee in making this evaluation. If the Erie Police Department determines the employee's condition unreasonably interferes with her ability to perform in a full-duty capacity, she may be reassigned to Maternity Duty, as described below in section V. Absent unusual circumstances, the employee will not be required to take leave.
- D. The need for uniform and equipment modifications during the pregnancy will be considered. Accommodations shall be made to the extent possible.

V. MATERNITY DUTY OPTION

- A. During a pregnancy, upon written recommendation of a physician, an employee may request a temporary reassignment to alternative duty. This assignment is referred to as "Maternity Duty" and is an alternative to the full-duty option described in section IV above.
 - 1. Reasonable accommodations will be made in considering Maternity Duty assignments.
 - 2. Absent specific medical considerations, employees assigned as Maternity Duty shall continue working in a full-time (40 hour) capacity. Consideration will be provided to allow for part-time assignments of employees whose medical condition may warrant such accommodation.
- B. The Erie Police Department will consider any specific restrictions identified by the employee's physician. Temporary reassignment of eligible pregnant members to Maternity Duty will be made consistent with the operational needs of the Erie Police Department.
- C. Maternity Duty assignments should avoid the following:
 - 1. Alternating shift work;
 - 2. Defensive tactics and defensive tactics training;
 - 3. Firearms training, except simulated training; and

4. Patrol duties.

VI. CONTINUING EVALUATION DURING PREGNANCY

- A. Employees who are pregnant shall be permitted to work as long as they are able to perform their job. If an employee becomes unable to perform the functions of her Maternity Duty assignment, the Erie Police Department may require her to take leave, in compliance with the Family and Medical Leave Act and other applicable law. If an officer has been temporarily absent from work as a result of a pregnancy-related condition and she recovers, she shall not be required to remain on leave until the baby's birth.
- B. The employee may elect to take leave if medically warranted and in conformance with the Town of Erie Administrative Policies and Procedures Handbook. The pregnant employee shall be treated the same as any other employee voluntarily seeking leave and/or short term disability pay because of any other physical condition.

VII. RETURN TO WORK AFTER INJURY/ILLNESS

When an employee who has been on an extended leave of thirty (30) calendar days or more due to an injury or illness and is planning to return to work, the employee shall do the following:

1. Request to meet with the Chief or an alternate designee immediately upon returning to work;
2. Provide documentation of medical fitness for duty to the Human Resource Department;
and
3. Accomplish any reintegration tasks as directed by the employee's supervisor.

VIII. RETURN TO WORK AFTER MATERNITY DUTY

When an employee who has been on an extended leave of thirty (30) calendar days or more due to pregnancy, they shall do the following:

1. Request to meet with the Chief or an alternate designee immediately upon returning to work;
2. Provide documentation of medical fitness for duty to the Human Resource Department;

3. Assist her commanding officer in identifying her individual needs, which may or may not include accommodations needed for lactation, such as a private room with a locking door, and limiting exposure to toxic levels of heavy metals and other chemicals; and
4. Accomplish any reintegration tasks as directed by her supervisor.

IX. MAINTENANCE OF CERTIFICATION AND TRAINING

- A. Employees assigned to modified duty or Maternity 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 or Maternity Duty shall inform their supervisor(s) of any inability to maintain any certification, training, or qualifications.
- B. Employees and Supervisors will coordinate with the Department Training Coordinator to facilitate any mandatory training within a reasonable time frame upon return to full duty.

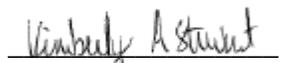
- X. **PERMANENT DISABILITY** If an injury/illness is determined to be a permanent disability, this directive is no longer applicable.

RULES:

NONE

REFERENCES:

International Association of Chiefs of Police Pregnancy Model Policy 2010, Lafayette Police Department Temporary Modified-Duty Assignments Policy 1054, Tustin CA Police Department Modified Duty Assignments Policy 1054, Grand Forks ND Police Department Modified Duty Assignments Policy 22.12, and Missouri State Highway Patrol Alternate/Modified Duty Assignments General Orders



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Chief of Police