

Temporary Modified-Duty Assignments

814.1 VERSION

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|----------------------------------|
| 01/24/2020 | 07/09/18 | Eric D. English, Chief of Police |

814.2 PURPOSE AND SCOPE

The Harrisonburg Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or policy.

814.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

814.4 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Virginians with Disabilities Act shall be treated equally, without regard to any preference for a work-related injury.

No position in the Harrisonburg Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary 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.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform and engaging in outside employment, or may otherwise limit them in employing their law enforcement officer powers. The Chief of Police may

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restrict employees working in temporary modified-duty assignments from displaying a badge, carrying a firearm, or operating an emergency vehicle.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

814.5 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their temporary supervisor. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Commander.

814.6 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying the Administrative Bureau Commander of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to the Administrative Bureau Commander no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Administrative Bureau Commander that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

814.6.1 SUPERVISOR RESPONSIBILITIES

The employee's immediate temporary supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

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The responsibilities of supervisors shall include, but are not limited to:

- (a) Periodically apprising the Administrative Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Administrative Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.
- (d) Schedule Management (i.e. leave, timesheets)

814.6.2 ADMINISTRATIVE BUREAU COMMANDER RESPONSIBILITIES

The Administrative Bureau Commander will determine what temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee.

814.7 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

814.8 USE OF CONFIDENTIAL INFORMATION

To protect the privacy of all involved, employees of the Harrisonburg Police Department must comply with all state and federal laws which regulate the handling of confidential and personal information regarding employees, customers, and clients. These laws include, but are not limited to Health Insurance Portability and Accountability Act (HIPPA), Fair and Accurate Credit Transactions Act (FACTA), the Privacy Act, Gramm/Leach/Bliley Act, etc. Additionally, any misuse or breach of confidential personal information is punishable both civilly and criminally.

814.9 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 their assignment to temporary modified duty.

814.10 MAINTENANCE OF CERTIFICATION AND TRAINING

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