

Temporary Modified Duty

11.12.01 PURPOSE

This order is intended to comply with all applicable legal rights and protections afforded to employees, including but not limited to the Workers Compensation Act, the Americans with Disabilities Act (ADA), the Pregnancy Fairness Workers Act, and the Fair Employment and Housing Act.

11.12.02 POLICY

The Department provides temporary modified duty assignments to employees with temporary medical restrictions. These assignments allow employees to continue serving in the Department while they are unable to perform the essential functions of a full duty position. Temporary modified duty assignments may be offered for both work-related (industrial) and non-work-related (non-industrial) injuries.

11.12.03 PROCEDURES

A. Temporary Modified Duty Assignments

1. The following documents should be forwarded to Medical Liaison when an employee is requesting a temporary modified duty assignment:
 - a. Employee memorandum submitted through their chain of command;
 - b. Doctor's note listing the employee's temporary medical restrictions; and
 - c. Supervisor's Investigation of an Illness/Injury form (SFPD 439).
2. Medical will review the employee's medical restrictions and evaluate the feasibility of a temporary modified duty assignment.
 - a. The employee's medical restrictions may be reviewed with the Department Physician.
 - b. If questions arise regarding an employee's ability to perform
 - i. the essential functions of the position, or
 - ii. the duties of a temporary modified position,
 - iii. the employee will be instructed to contact their treating physician for clarification.

- c. For work related injuries, disputes shall be resolved pursuant to the applicable Workers' Compensation rules.
3. The Deputy Chief of Administration will place the employee in a temporary modified duty assignment that allows for the employee's medical restrictions.
 - a. Temporary modified duty assignments are determined by the department's operational needs, taking into account the employee's skills, qualifications, training, experience, and other relevant factors.
4. The final authority for temporary modified duty assignments rests with the Chief of Police.

B. Duration of Temporary Modified Duty Assignments

1. Temporary modified duty assignments shall be limited to a maximum of 365 calendar days per injury.
2. Q-2 probationary officers assigned to temporary modified duty will have their probation extended to match the length of their temporary modified duty, not to exceed 365 calendar days.
3. If the employee's physician determines that the employee will not be able to return to full duty by the end of the 365 day period, the employee will no longer be eligible for temporary modified duty.

C. End of Temporary Modified Duty Assignment

1. Approximately 90 calendar days prior to the expiration of the 365 day temporary modified duty assignment, Medical Liaison will notify the employee of the options set forth in section C.2 below.
2. When an employee's medical condition has stabilized and is not expected to significantly improve (permanent and stationary), and/or the employee has served in a temporary modified duty assignment for 365 days (or earlier, if appropriate), the Department and the employee shall evaluate the following options:
 - a. Return to full duty
 - b. A disability accommodation under the ADA and/or state law (which may include a disability transfer under the City's disability transfer policy)
 - c. Disability retirement
 - d. Unpaid leave of absence in accordance with Civil Service Rules
 - e. Sick leave or FMLA leave
 - f. Non-punitive medical separation if none of the above options are appropriate

D. Rules Governing Temporary Modified Duty Assignments

1. Employees in temporary modified duty assignments shall be eligible for premium pay such as "like work-like pay" and overtime assignments, including but not limited to

Police Law Enforcement Services (10B/PLES) overtime, as long as such assignments are consistent with the employees medical restrictions and the needs of the Department. Disputes about this issue will be submitted to the Deputy Chief of Administration for determination.

2. The Department will make reasonable efforts to provide 48 hours' notice before an involuntary transfer or reassignment.

E. Qualifications While on Temporary Modified Duty

1. Members are excused from participating in the following qualifications while on temporary modified duty:
 - a. Range Qualification
 - b. Physical Fitness Testing (DGO 11.10 Physical Fitness and Wellness Evaluation Program)
 - c. Advanced Officer/Continuing Professional Training (AO)
2. Members shall, as soon as practical, become current with all required qualifications upon their return to full duty.