

## **Temporary Modified Duty**

### **11.12.01 PURPOSE**

The Department provides temporary modified duty assignments to employees who have temporary medical restrictions that prevent them from performing the essential functions of their position. These temporary modified duty assignments allow employees to continue serving in the Department while they are unable to perform the essential functions of their full duty position.

### **11.12.02 POLICY**

Temporary modified duty assignments may be offered for both work-related (industrial) and non-work-related (non-industrial) medical conditions.

Temporary modified duty is available to both sworn and non-sworn members of the Department.

The list of essential job functions for sworn members is maintained by the Department's ADA Coordinator.

### **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 for both industrial and non-industrial medical conditions:
  - 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 Liaison will review the employees' medical restrictions and evaluate the feasibility of a temporary modified duty assignment.

If there are questions regarding an employee's ability to perform the duties of a temporary modified position, the employee will be instructed to contact their treating physician for clarification regarding their medical restrictions.

3. The Deputy Chief of Administration will place the employee in a temporary modified duty assignment that allows for the employee's medical restrictions.

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.

## **B. Duration of Temporary Modified Duty Assignments**

1. Temporary modified duty assignments shall be limited to a maximum of 365 calendar days per incident.
2. Q-2 probationary officers assigned to temporary modified duty will have their probation extended day-for-day to account for the time spent on modified duty.
3. Temporary modified duty assignments are only available if the employee is expected to return to full duty.

## **C. End of Temporary Modified Duty Assignment**

1. A temporary modified duty assignment will end when the employee returns to full duty status or if any of the following occur:
  - a. The employee has served in a temporary modified duty assignment for a combined 365 calendar days for the same incident.
  - b. 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 (permanent and stationary).
2. Before the temporary modified duty assignment ends as outlined above, the Department will offer to review the following options with the employee:
  - 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 (EWW/PLES) overtime, as long as such assignments are consistent with the employee's 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 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.

**F. Uniform and Work Attire**

1. Members:
  - a. Shall not wear their police uniforms.
  - b. Shall not carry any firearm.
  - c. Officer-in-Charge (OIC) will determine the dress code based on the requirements of the position and the condition of the member.
2. Uniformed non-sworn members:
  - a. Shall continue to wear their assigned uniform.
  - b. OIC may exempt a non-sworn member from wearing their assigned uniform based on the requirements of the position and the condition of the employee.