

**SAN MARCOS POLICE DEPARTMENT
POLICIES AND PROCEDURES MANUAL**

Section Title: Temporary Modified Duty Assignments

General Order: 609

Date Issued: January 17, 2004

Date Revised: March 30, 2015

Effective Date: February 2, 2015

Issuing Authority:



Chase Stapp, Chief of Police

I. POLICY

Temporary modified duty assignments, when available, are for officers and other eligible department personnel who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative work assignments. Use of temporary modified duty can provide employees with an opportunity to remain productive while convalescing as well as providing a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically unfit for their regular assignment. Therefore, it is the policy of the department that eligible personnel may be given an opportunity to work in temporary modified duty assignments when available and approved by the Chief of Police.

II. PURPOSE

The purpose of General Order 609 is to establish the authority for temporary modified duty assignments and procedures for granting temporary modified duty to eligible officers and civilian personnel within the department. Temporary modified duty is a privilege that may be granted by the Chief of Police and is not a designated benefit.

III. DEFINITIONS

- A. Eligible personnel – For purposes of this policy, any full time sworn or civilian member of the department suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness, or disability is temporarily unable to perform their regular assignment but is capable of performing alternative assignments.
- B. Family and Medical Leave Act (FMLA) – Federal law providing for up to 12 weeks of annual leave for workers due to illness, injury, or certain other family conditions/situations.

IV. PROCEDURES

- A. General Provisions
 - 1. Employees who need to miss work due to an on-duty injury are eligible for injury leave only until such time as they are released for modified duty by the attending physician.

2. Since temporary modified duty assignments are limited in number and variety:
 - a. personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to modified duty, and
 - b. personnel may be assigned to any shift or division, and
 - c. assignments may be changed or stopped at any time by the Chief of Police if deemed in the best interest of the department.
3. This policy in no way affects the rights of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other state or federal laws.
4. Assignment to temporary modified duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits such as pay for special assignments.
5. Modified duty assignments are strictly temporary. The time limits pertaining to the duration of a modified duty assignment are governed by city policy and Title 5, Ch. 143 of the Texas Local Government Code.
6. Officers on temporary modified duty assignments are prohibited from engaging in outside employment which would required them to perform tasks outside of the scope of their medical restrictions.
7. Depending on the restrictions placed on the employee by the attending physician, an officer on temporary modified duty may be prohibited from wearing the departmental uniform, carrying a service weapon, or otherwise limited in exercising police authority as determined by the Chief of Police.
8. Officers may decline a temporary modified duty assignment. Officers who choose to decline a modified duty assignment must use accrued leave time according to department and city policy.

B. Temporary Modified Duty Assignments

1. Temporary modified duty assignments may be drawn from a range of technical and administrative areas including but not limited to:
 - a. administrative functions
 - b. clerical functions
 - c. desk assignments
 - d. report taking (walk-in or telephone reports)
 - e. communications assignments
2. In addition to considerations included in section IV-A-1 of this policy, decisions on temporary modified duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills, abilities, and the physical restrictions or limitations imposed on the employee by the attending physician.
3. Every effort will be made to assign employees to positions consistent with their rank and pay classification. However, where deemed

appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. In such instance, employees will:

- a. retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
- b. retain the pay classification and related benefits of the position held prior to their assignment to temporary modified duty.

C. Requests for and Assignments to Temporary Modified Duty

1. Employees who are unable to fully perform their normal job duties due to an on-duty injury but have been released to duty in a restricted capacity shall be recommended for a temporary modified duty assignment provided an assignment is available that can accommodate the employee's work restrictions.

- a. The division Commander will work together with the employee and the employee's immediate supervisor to arrange the modified duty assignment.
- b. The employee's division Commander may coordinate with other division Commanders in order to arrange the most appropriate modified duty assignment.
- c. Once an appropriate temporary modified duty assignment is arranged, the division Commander or his/her designee will prepare a modified duty contract and require the employee to sign the contract either accepting or rejecting temporary modified duty. The contract will detail the nature of the work to be completed by the employee during the modified duty assignment along with the employee's work restrictions.
- d. A copy of the employee's work restrictions completed by the attending physician will be attached to the modified duty contract. This medical certification should also detail the expected duration of the restrictions.
- e. The division Commander retains originals of the modified duty contract and forwards copies of all related forms to Human Resources.

2. Employees who are unable to fully perform their normal job duties due to a non job-related injury, illness, or disability may request a temporary modified duty assignment. The department will make every effort to accommodate these requests provided an appropriate assignment is available at the time the request is made.

- a. The request shall be submitted to the employee's direct supervisor along with the written documentation detailing the employee's work restrictions completed by the attending physician. This medical certification should also detail the expected duration of the restrictions.

- b. The employee's supervisor will work with the division Commander and at times other division Commanders to identify and arrange the temporary modified duty assignment.
- c. Once an appropriate temporary modified duty assignment is arranged, the division Commander or his/her designee will prepare a modified duty contract for the employee's signature. The contract will detail the nature of the work being completed by the employee during the modified duty assignment along with the employee's work restrictions.
- d. A copy of the employee's work restrictions completed by the attending physician will be attached to the modified duty contract.
- e. The division Commander retains originals of the modified duty contract and forwards copies of all related forms to Human Resources.