



GENERAL ORDER

Modified Duty Assignments

Purpose and Scope

“Modified Duty” is a temporary alteration of an employee’s regular job duties, or a temporary assignment to a position with different job duties in order to accommodate functional limitations. This order provides guidelines pertaining to modified duty assignments for employees with temporary medical work restrictions.

Affected Personnel

All employees

Effective Date

September 30, 2016

I. Definitions

Occupational Illness/Injury: An illness or injury resulting from activities conducted while an employee is on County time and deemed compensable by the Workers’ Compensation Division. (Refer to County Personnel Policies and Procedures G-6, Early Return-to-Work Program.)

Non-Occupational Illness/Injury: An illness or injury resulting from activities conducted while the employee is not on county time or one that has occurred while the employee is on County time but is deemed non-compensable by the Workers’ Compensation Division.

II. Occupational Illness/Injury

A. Eligibility

1. The employee is determined medically unable to perform the usual and customary duties of the employee’s class or position on a temporary basis;
2. The employee is determined medically able to perform the duties of a temporary assignment;
3. The employee is expected to remain in the aforementioned status in excess of 20 working days; and
4. The employee’s current job assignment and duties can be modified to accommodate the employee’s medical limitations or another suitable assignment exists elsewhere in the department.

B. Limitations

1. The modified duty assignment shall not exceed six (6) months in duration per injury/illness.
2. The Chief Probation Officer or the Assistant Chief Probation Officer has the sole discretion to extend an employee's modified duty assignment beyond the maximum specified in this order. Such extension should be coordinated with the appropriate Department of Personnel Services Medical/Workers Compensation Coordinator.
3. No modified duty assignments are available in the Department for temporary or on-call employees.
4. If an employee cannot perform in a modified duty assignment, such assignment may be modified or terminated.
5. The lack of Department need or a change in priorities may result in the employee's removal from, or modification to, a modified duty assignment.

A. Initiating Modified Duty

1. An employee shall provide medical documentation to his or her supervisor from a health care provider if they suffer a work related injury. If the medical documentation states the employee has work restrictions preventing the employee from being able to perform the full regular duties of his or her job, the supervisor shall forward a copy of the medical documentation to the Personnel Services Medical Coordinator for possible modified duty assignment.
2. The Personnel Services Medical Coordinator shall review the medical documentation and notify the employee's Assistant Division Chief or Division Chief there is a worker compensation qualified employee available for modified duty in their division.
3. The employee's Division Chief or Assistant Division Chief shall confirm with the Personnel Services Medical Coordinator if the employee's work restrictions allow the employee to be placed in a temporary modified duty assignment.
4. If no modified duty assignment is available within the employee's current division, or the employee's work restrictions make them not suitable, the Division Chief or Assistant Division Chief shall notify the Personnel Services Medical Coordinator. The Personnel Services Medical Coordinator shall contact other division managers and attempt to place the employee in a temporary modified duty assignment in another division.
5. If a temporary modified duty assignment results in a change to work shift and/or work location, the employee shall be given at least seven (7) calendar days' notice before the assignment is effective, unless it is mutually agreed by the employee and employer to waive the notice requirement.

III. Non-Occupational Illness/Injury

A. Eligibility

1. The employee must submit medical documentation from a health care provider that includes:

- a. The date on which the work restrictions began;
 - b. The specific work restrictions of the employee with enough detail to enable the Department to determine suitable modified work; and
 - c. A specific date by which the employee is expected to return to the employee's regular and customary job with no medical limitations or restrictions.
2. The employee is expected to be absent for at least ten (10) workdays.
 3. The employee's current job assignment and duties can be modified to accommodate the medical limitations or another suitable assignment exists elsewhere in the department.

B. Limitations

1. The temporary modified duty assignment shall not exceed 60 consecutive calendar days in a twelve (12) month period. The 12-month period will begin on the first day the employee is on modified duty. The modified duty assignment shall be granted as close as possible to the date the employee is expected to return to work with no restrictions.
2. The Chief Probation Officer or an Assistant Chief Probation Officer has the sole discretion to extend an employee's modified duty assignment beyond the maximum time period specified in this order. Such extension should be coordinated with the appropriate Department of Personnel Services Medical/Workers Compensation Coordinator.
3. No modified duty assignments are available in the Department for temporary or on-call employees.
4. Those with occupational work injuries or pregnancy disability shall be given priority for modified duty assignments.
5. If an employee cannot perform in a modified duty assignment, such assignment may be modified or terminated.
6. The lack of Department need or a change in priorities may result in the employee's removal from, or modification to, a modified duty assignment.

C. Initiating Modified Duty

1. An employee requesting modified duty for a non-occupational illness/injury shall provide documentation to his or her supervisor from a health care provider that the employee has work restrictions preventing the employee from performing the full regular duties of his or her job. The supervisor shall forward a copy of the medical documentation to the Personnel Services Medical Coordinator.
2. The employee must make the request for modified duty to his or her supervisor and Assistant Division Chief or Division Chief to be considered for a modified duty assignment
3. The employee's Division Chief or Assistant Division Chief shall confirm the placement of the employee in the first available modified duty assignment suitable to the employee's work restrictions and notify the Personnel Services Medical Coordinator.
4. If a suitable modified duty assignment is not available within the employee's current division, the Division Chief or Assistant Division Chief shall notify the Personnel Services Medical Coordinator. The Personnel Services Medical

Coordinator shall contact other Division Managers within the Probation Department to determine if a suitable modified duty assignment is available for placement.

IV. Pregnancy

A. Eligibility

1. The employee must submit medical documentation from a health care provider that states:
 - a. The work restrictions of the employee and that the restrictions are due to her pregnancy, childbirth, or related medical condition;
 - b. The date on which the modified duty is medically advisable; and
 - c. The probable duration of the need for modified duty.
2. The employee's current job assignment and duties can be modified to accommodate her medical restrictions or another suitable assignment exists elsewhere in the department.

B. Limitations

1. If the employee so requests and under the advice of her health care provider, a pregnancy disability modified duty assignment may remain in effect for the duration of the employee's pregnancy related health condition.
2. No modified duty assignments are available in the Department for temporary or on-call employees.
3. If an employee cannot perform in a modified duty assignment, such assignment may be modified or terminated.
4. The lack of Department need or a change in priorities may result in the employee's removal from, or modification to, a modified duty assignment.

C. Initiating Modified Duty

1. An employee requesting modified duty for a medical condition related to pregnancy or childbirth shall provide documentation to his or her supervisor from a health care provider stating the employee can work, but has work restrictions preventing her from performing the full regular duties of her assignment. The supervisor shall forward a copy of the medical documentation to the Personnel Services Medical Coordinator.
2. The employee must make the request for modified duty to her supervisor and Assistant Division Chief or Division Chief in order to be considered for a modified duty assignment
3. The employee's Division Chief or Assistant Division Chief shall confirm the placement of the employee in the first available modified duty assignment suitable to the employee's work restrictions and notify the Personnel Services Medical Coordinator.
4. If a modified duty assignment is not available within the employee's current division, or the employee's work restrictions make them not suitable, the Division

Chief or Assistant Division Chief shall notify the Personnel Services Medical Coordinator. The Personnel Services Medical Coordinator shall contact other Division Managers within Probation to determine if a suitable modified duty position is available for placement.

V. Responsibilities

A. Employee

1. Initiate the request for modified duty for non-occupational injuries, illnesses, or pregnancy. Modified duty is voluntary on the part of the employee. Submit required medical documentation before beginning a modified duty assignment or prior to a change in medical condition or work restrictions.
2. Report for the modified duty assignment as directed.
3. Keep the employee's modified duty supervisor aware of the need for time off to attend medical appointments.
4. Work within medically-defined abilities, restrictions, and limitations.
5. Notify the Personnel Services Medical Coordinator and modified duty supervisor of any changes in medical status affecting the employee's ability to work and any extensions in the disability period.
6. Contact the employee's original supervisor for reporting instructions to return to regular duty prior to the completion of a modified duty assignment.

B. Supervisors

1. When an employee is temporarily reassigned to another division for a modified duty assignment, the employee's temporary supervisor is responsible for ensuring the employee's hours worked are communicated to the employee's permanent supervisor for timesheet approval.
2. Communicate the details of the temporary modified assignment to the employee, including job duties and expectations.
3. The employee's temporary supervisor is responsible for evaluating the employee's performance while in the temporary modified duty assignment.
4. Upon completion of an employee's modified duty assignment, the employee's permanent supervisor shall provide the employee with reporting instructions regarding their return to regular duties.

C. Division Managers

1. Work within the manager's division or with another division, in coordination with the Personnel Services Medical Coordinator, to set up a temporary modified assignment for the employee.
2. Work with the Personnel Services Medical Coordinator to track the employee's modified duty assignment and arrange for the termination of the assignment at the end of the maximum allowed duration.

D. Personnel Services Medical Coordinator

1. Work with Division Chiefs to locate and coordinate temporary modified duty assignments.
2. Communicate with employees and send a written notice to all parties regarding the modified duty assignment including the work location, work hours, and reporting supervisor.
3. Ensure State Disability Insurance (SDI) or workers compensation payments are discontinued for the duration of the employee's temporary modified duty assignment.
4. Notify all affected parties of any change in the employee's eligibility for the program based on medical information received from the employee's health care provider.
5. Maintain a list of vacant temporary assignments and requests received from Division Chiefs for modified duty.
6. Maintain a list of employees who are currently filling temporary modified assignments and monitor list for employees reaching the maximum time allowed in an assignment.
7. Thirty (30) days prior to an employee reaching their maximum time allowed in a modified duty assignment, send a reminder to all affected parties of when the employee's modified duty assignment shall terminate due to reaching the maximum time allowed.

VI. Compensation and Other Requirements

- A. If an employee is temporarily reassigned to another division for a modified duty assignment, the employee's salary and benefits will be paid from the employee's former division's cost center.
- B. Depending on the work schedule of the modified duty assignment, an employee may not qualify for Holiday in Lieu (HIL) credit. For non-occupational illness/injury or pregnancy disability assignments, the employee also may not qualify for previously paid shift differentials.
- C. When a probationary employee is on an authorized paid leave, a leave of absence without pay, or modified duty, or a combination of paid leave, leave of absence and/or light duty, which extends beyond 30 consecutive calendar days, the employee's probationary period shall be extended for the duration of such participation in excess of 30 days. The Personnel Services Medical Coordinator shall send notice of probationary period extension to the employee.
- D. Employees assigned to modified duty shall maintain all certifications, training, and qualifications appropriate to both the employee's regular and temporary duties, provided the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to modified duty shall inform the modified duty supervisor of any inability to maintain any certification, training or qualifications.

