

Temporary Modified-Duty Assignments

754.1 PURPOSE AND SCOPE

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, County rules, or current memorandums of understanding. Nothing in this policy affects the obligation of the Department to engage in a good-faith, interactive process to consider reasonable accommodation for any employee with a qualifying temporary or permanent disability.

754.2 POLICY

Subject to operational considerations, the Yolo County Probation 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. Under no circumstances shall the temporary modified-duty assignment become permanent.

754.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with temporary injuries or illnesses that are work-related.

No position in the Yolo County Probation Department shall be created or maintained as a temporary modified-duty assignment, except as required under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act. (Gov Code §§ 12940, et. seq.)

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 Probation Officer or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers, consistent with the employee's mental or physical condition and any limitations imposed by a treating provider.

The duration of a temporary modified-duty assignment shall be determined on a case-by-case basis, but shall generally not exceed a cumulative total of 1040 hours in any one-year period (See County of Yolo Administrative Policies and Procedures Workplace Security and Safety Policy) .

754.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to Management or their authorized designee. The request should, as applicable, include a certification from the treating provider containing:

- (a) An assessment of the severity 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.

Management will make a recommendation to the Chief Probation Officer regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief Probation Officer or the authorized designee shall confer with the Department of Human Resources or the County Counsel as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved by the Chief Probation Officer.

754.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of Management.

The employee and his or her Supervisor should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

754.4.2 ACCOUNTABILITY

The employee's Supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their Supervisor for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related or not covered under ADA or FEHA, shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall submit a status report for each visit to their treating health care provider and shall immediately notify their Supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their Supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep Management or their designee apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to Management or their designee with an update of the employee's current

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status and anticipated date of return to regular duty. Extensions require approval of the Chief Probation Officer.

- (d) When it is determined that an employee on modified duty will return to regular duty, the Supervisor shall notify Management or their designee and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

754.5 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.

754.6 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be transferred involuntarily to a temporary modified-duty assignment.

754.6.1 NOTIFICATION

Pregnant employees should notify their immediate Supervisor as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

754.7 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.

754.8 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 Supervisor of any inability to maintain any certification, training or qualifications.