

 <div>Policy and Procedure</div>		Policy Number 3.29
Chapter	Employment Policies	Approved By: Robert L. Ticer, Chief of Police
Article	Return to Duty and Modified Duty	
Effective Date: August 22, 2017		

### PURPOSE

To establish guidelines for the safe and timely return to work for employees as a result of an illness, injury, or a temporary leave of absence.

### POLICY

The Department is committed to creating a safe workplace and promoting the safe return to work of its employees. The Department promotes the safe and timely return to work for employees who have missed work, or may not be able to work in a full capacity, due to illness, injury, or a temporary leave of absence by recognizing that successful return to work is a team activity.

### DEFINITIONS

**Eligible employee** means any full-time sworn officer, community service officer, or civilian member of the Department suffering from a medically certified illness, injury or disability requiring treatment by a licensed health-care provider; and who, because of injury, illness or disability, is temporarily unable to perform a full-duty assignment, but is capable of performing alternative assignments.

**Modified duty** is a form of restricted duty where the eligible employee may complete tasks that are aligned with the recommendations, limitations, or direction of a licensed health-care provider and the needs of the Department.

### GENERAL GUIDELINES

#### Work-Related Injury, Illness, or Leave of Absence <CALEA 22.3.1>

**Employee's Role:** Employees will notify their supervisor and the personnel sergeant immediately of all work-related injuries or illnesses involving medical treatment or lost work time. Any employee who is aware of any physical limitation that would prevent him/her from being able to perform their essential job functions shall notify their supervisor and the Department's Human Resources liaison as soon as possible. A failure to immediately report work related injuries or illnesses may result in a loss of benefits.

Initial notification by an employee will be completed by verbal communication or by phone, email, or text message. Supervisors are then responsible for filing the appropriate report forms, which are available from the risk manager or the Police Department personnel sergeant.

The City of Loveland has designated providers that employees must see for all work related injuries or illnesses. When a work-related injury or illness involves medical treatment, an injured or ill employee must also provide the personnel sergeant with a signed form provided by a city designated provider and completed by the employee's health care provider indicating the anticipated duration of the employee's absence, if any, and any work restrictions.





When follow-up visits to the employee's health care provider are required, an injured or ill employee must provide the personnel sergeant with a signed form from a city designated provider following each visit indicating any work restrictions and the date for the next appointment, if known. An employee's most important priority following a temporarily disabling injury or illness is working toward the fullest possible recovery.

An evaluation of the employee's ability to perform the basic job functions may be ordered by the Division Commander, at any time, to assure that the employee is capable of safely performing his/her job assignment. The evaluation may include a requirement for re-training and or re-familiarization with any aspect of full-duty assignment (i.e. LDT and Firearms).

**Personnel Sergeant's Role:** The personnel sergeant will forward the notice of injury or illness and the designated worker's compensation provider forms to the risk manager and Police Department administrators. The personnel sergeant will also be responsible for making a determination, on the inquiry, of whether or not the employee is an eligible employee and, if so, what specific modified duty is appropriate, if at all.

**Risk Manager's Role:** The risk manager or the risk manager's designee may communicate with the employee's health care provider on an ongoing basis to determine what tasks the injured or ill employee can perform safely and what tasks the employee cannot perform safely unless the tasks are modified. Risk management personnel are responsible for being familiar with and complying with the ADA's provisions on medical inquiries and confidentiality of medical information.

**Job Assignments:** Where possible, an employee who has suffered a work-related injury or illness will be returned to their full-duty assignments, with minor modifications as needed. If this is not feasible, a modified duty position may be available in accordance with city regulation. The personnel sergeant will be responsible for assigning modified duty within the Police Department. When the employee has been cleared by their licensed health-care provider for modified duty, they shall report to the personnel sergeant for assignment. Priority shall be given to those eligible employees who suffered a work-related injury, illness, or leave of absence. Modified duty shall only be used for eligible employees and for no other purpose unless the Chief provides for an exemption.

### Non Work-Related Injury or Illness

**Employee's Role:** Employees will notify their supervisor and the personnel sergeant of all non-work related injuries or illnesses involving lost time. When a non-work related injury or illness requires the employee to be absent for a period of time in excess of 40 consecutive scheduled work hours (pro-rated hours for part-time employees) or involves work related restrictions, an injured or ill employee must also provide the personnel sergeant with information from the employee's health care provider indicating the anticipated duration of the employee's absence and/or any work restrictions.

In the course of the illness or injury, any changes regarding duration of absence or work restrictions must be updated by the employee's health care provider, then immediately provided to the personnel sergeant. An employee's most important priority following a temporarily disabling injury or illness is working toward the fullest possible recovery. An evaluation of the employee's ability to perform the basic job functions may be ordered by the Division Commander to assure that the employee is capable of safely





performing his/her job assignment. The evaluation may include a requirement for re-training and or re-familiarization with any aspect of full-duty assignment (i.e. LDT and Firearms).

**Personnel Sergeant's Role:** The personnel sergeant will coordinate the employee's leave with the Human Resources Department and update Police Department administrators. The personnel sergeant will also be responsible for making a determination, on the inquiry, of whether or not the employee is an eligible employee and, if so, what specific modified duty is appropriate, if at all. Modified duty for an eligible employee regarding a non-work-related injury or illness shall be given a lower priority over work-related injury, illness, or leave of absence or a pregnancy circumstance. Modified duty under the aforementioned circumstance is entirely dependent upon the availability of said modified duty. Where possible, an employee who has suffered a non-work related injury or illness will be returned to their regular job, with minor modifications, as needed.

**Human Resources Department's Role:** The Human Resources Department and the Department's Human Resources liaison, in collaboration with the city's disability insurance provider, if appropriate, will communicate with the employee's health care provider on an ongoing basis to determine what tasks the injured or ill employee can perform safely and what tasks the employee cannot perform safely unless the tasks are modified. Human Resources Department personnel are responsible for being familiar with and complying with the ADA's provisions on medical inquiries and confidentiality of medical information.

### **Family Medical Leave Act (FMLA)**

In no way does this Policy affect the privileges of employees under provisions of the FMLA, Fair Labor Standards Act, Americans with Disabilities Act, or any other federal or state law.

### **Return to Duty**

The personnel sergeant shall facilitate the transition process of sworn officers and community service officers who have been assigned to modified duty or have otherwise not engaged in full-duty for more than thirty (30) days as a result of injury, illness, or other leave of absence not including authorized vacation time. The aforementioned thirty (30) day timeframe shall be measured from the date employment restrictions were put in place. The personnel sergeant, with input from a direct supervisor and the field training unit, on an as needed basis, will tailor a return to work refresher program based upon on the individual needs of the officer returning to full-duty work. The personnel sergeant shall consider a number of factors when deciding if a refresher program is needed or the design of the refresher program. Factors to consider include the length of modified duty, leave of absence, illness, injury, type of injury, the gravity of the event leading up to an injury, the officer's strengths and weaknesses, the officer's ability to operate a motor vehicle, the officer's prior training achievements, the officer's prior training deficiencies, whether or not the officer desires a certain training component, or any other factor the personnel sergeant finds significant.

It shall be the responsibility of the personnel sergeant, in consultation with the shift supervisor, where the employee is reassigned, to address specific behavior, performance, or discipline problems, if any.

### **Modified-Duty Assignments**

As discussed throughout this policy, modified duty assignments include, but are not restricted to:

Front desk reception





- Handling walk-in calls and reports that fall within the doctor's restrictions and the scope of the employee's authority and that do not require the presence of an officer.
- Directing walk-in customers and phone calls to proper resource.
- Building tours

### SIU

- Administrative and clerical duties
- Management of evidence
- Documenting intelligence information received by phone
- Data entry

### Records Section

- Filing
- Processing insurance requests
- Data entry
- Photocopying
- Updating forms/monitoring forms inventory

### Communications

- Data entry
- Filing warrants and documents
- Clerical duties

### Criminal Investigations Unit

- Pawn slips processing
- Assisting detectives with clerical duties
- Follow-up investigations by phone

Appropriate attire for modified duty assignments for which there is little or no public contact will be determined by the assignment supervisor and will allow the employee to comply with a licensed health-care provider restrictions. Front desk reception shall consist of professional attire and a conspicuously worn Department identification card.

Modified duty employees assigned to the front desk reception area shall remain at the desk at all times, except for scheduled breaks as determined by a licensed health-care provider's restrictions and the assigned supervisor.

Modified duty employees shall not remain in the presence of prisoners or those who pose an apparent threat of physical violence.

Sworn supervisors, sworn officers, and community services officers who are assigned to modified duty where they are in contact with the public, shall be armed with a Department approved weapon. The weapon shall be worn in such a way that it does not violate a licensed health-care provider's restrictions. For example, an employee who has a restriction that prevents them from bearing the weight of an





equipment belt may wear an ankle holster, shoulder holster, or fanny pack holster. If restrictions prevent the officer from being armed, they shall not be assigned to duty where they will be exposed to the public.

Employees for which no applicable assignment can be found within the Police Department shall be referred to Human Resources or Risk Management for assignment elsewhere in the city, if available, pursuant to the city's policy.

Modified duty assignments will not normally exceed ninety (90) days, unless additional time is granted based upon consideration of the needs of the Department and the nature of the employee's injury/illness.

Doctor's appointments, therapy appointments, and other related appointments shall be attended on the employee's time and shall be scheduled to minimally interfere with the modified duty assignment.

Prior to returning to full-duty, employees shall provide the personnel sergeant with their licensed health-care provider's clearance showing a non-restricted clearance or notification from Human Resources that they have received such clearance. Sworn supervisors, sworn officers, and community services officers are required to be current in all use-of-force re-certifications prior to returning to full, unrestricted duty and must contact the Field Training Unit for any recommended refresher program as specified above.

