

1.452 MODIFIED DUTY STATUS

- A. The USMH 225.0 VII-7.41 Policy on Modified Duty provides basic, controlling directives for the university's and agency's management of assigning employees to modified duty status.
- B. Modified duty status is a temporary assignment available to employees in lieu of their regular assignments and due to temporary physical or mental conditions or impairments that restricts their ability to carry out all of the tasks associated with their normal duties and responsibilities.
 - 1. Modified duty assignments must be compatible with employees' medical restrictions and are intended to support employees' prompt return to full duty.
 - 2. Modified duty status assignments are temporary duty assignments for temporary conditions. The agency does not have, and will not create, permanent modified duty assignments.
- C. Conditions or impairments that may result in employees being placed in a modified duty status include, but are not limited to:
 - 1. Orthopedic conditions;
 - 2. Cardiovascular conditions;
 - 3. Internal disorders;
 - 4. Pregnancy;
 - 5. Sensory impairment;
 - 6. Stress related disorders; and
 - 7. Sick leave usages of five consecutive duty days pending medical examination for return to work clearance.
- D. Requests for modified duty status and information contained in the requests, reports, and records are to be treated as confidential and will be released to personnel on only a need to know basis.

1.452.10 Authorization

- A. Employees must obtain authorization from the chief before reporting in a modified duty status. Employees will be placed on either sick leave or work injury leave pending action by the chief to authorize or deny modified duty assignments.
 - 1. Employees are not required to submit requests for modified duty status assignments if their conditions are the result of duty related incidents, but must assist in providing information that documents their medical eligibility for modified duty status assignments.
 - 2. Employees desiring modified duty assignments as the result of non-duty related injuries or illnesses must submit written requests through their chain of command to the chief.
- B. Written requests for modified duty status assignments subsequent to non-duty related injuries or illnesses will be submitted to the chief through employees' unit and bureau commander and will contain:
 - 1. Dates, times, and locations of the incidents/conditions leading to requests;
 - 2. Diagnosis of illnesses or injuries;
 - 3. Whether conditions are work or non-work related;
 - 4. Names, addresses, and phone numbers of certified medical providers providing treatment;
 - 5. Recommendations for modified duty status or reasons illnesses or injuries prevent employees from working even with reasonable accommodations;
 - 6. Recovery prognosis;
 - 7. Any relevant information or documentation;
 - 8. Anticipated lengths of modified duty status;
 - 9. Medical restrictions that need to be considered when identifying modified duty assignments; and
 - 10. Completed Authorization for Release of Medical Records concerning the conditions.
- C. Requesting employees' unit commanders will forward modified duty status requests to their bureau commanders, along with recommendations, within two business days of submission of requests.
- D. Requesting employees' bureau commanders will forward requests for modified duty status to the chief, along with recommendations,

within two business days of receipt of requests.

- E. The chief will approve or reject modified duty status requests and notify requesting employees of the actions within two business days after receiving requests. Requests for modified duty status denied by the chief will contain written explanations of the objective based reasons for denying requests.
- F. Employees must notify the chief, through their chain of command, where there are changes involving:
 - 1. Names, addresses, and phone numbers of certified medical providers who provide treatments for the conditions or impairments;
 - 2. Recommendations for modified duty status by certified medical providers;
 - 3. Recovery prognosis;
 - 4. Types or nature of activities employees are allowed to perform;
 - 5. Any other relevant information or documentation; and
 - 6. Anticipated lengths of modified duty status.
- G. The Fiscal Services Unit is responsible for:
 - 1. Maintaining all records concerning employees on modified duty status; and
 - 2. Recommending secondary evaluations by university certified medical providers to evaluate fitness for duty.

1.452.20 Restrictions and Limitations

- A. Requests for modified duty status will be approved based on:
 - 1. Availability of modified duty positions;
 - 2. Length of expected modified duty status; and
 - 3. Nature of modified duty work as it pertains to disabilities.
- B. Assignments to modified duty status positions will be based on the needs of the agency.
 - 1. Employees assigned modified duty status may be reassigned anywhere in the agency.
 - 2. Unit commanders may request that the employees remain assigned to their units of original assignment if valid modified duty positions exist there.
 - 3. Employees on modified duty will not be assigned to perform duties of a level higher than their regular classifications.
 - 4. Modified duty employees may experience some temporary changes from their regular assignments concerning daily work hours, scheduled shifts, regular days off, and holidays.
 - 5. Modified duty assignments will not alter employees' biweekly salaries, but may affect shift differential pay.
 - 6. The institution may, at any time, arrange for second medical opinions by institution named certified medical providers to verify recovering employees' need to continue modified duties.
 - 7. Employees serving in modified duty capacities will be rated by unit commanders under which they are assigned during their periods of modified duty. Unsatisfactory performance during periods of modified duty may result in the modified duty status being terminated.
 - 8. If modified duty positions do not exist, employees will be required to remain on sick leave or accident leave until modified duty positions become available or until they recover to full duty status.
 - 9. Employees receiving accident leave take precedence over members with non-work injuries or conditions for assignment to modified duty status.
 - 10. If employees refuse modified duty assignments, accident or sick leave may be terminated. Employees may be allowed to use other forms of paid leave, be terminated, or be placed on Leave of Absence without Pay.
 - 11. Employees who are injured in the line of duty and who refuse modified duty, will be reported to the IWIF, and requests will be made for suspensions of lost time benefits.
- C. The total number of days that employees can be assigned modified duties should not exceed 180 calendar days in any 12 month period.

Exceptions to the 180 calendar day limitation may be approved only by the Director of University Human Resources.

1. Employees who have exhausted the 180 day limit and are still unable to return to full duty may be placed on sick leave, remain on modified duty assignment, placed on job related injury leave until such time as they are able to return to full duty status, or seek other administrative remedies.
 2. Administrative remedies include, but are not limited to:
 - a. Disability retirement;
 - b. Medical retirement;
 - c. Advanced sick leave;
 - d. Change in university assignment; or
 - e. Termination.
- D. Only the chief may revoke employees' modified duty status or return officers to full duty status.
- E. The chief may, on a case by case basis, suspend officers' law enforcement authority during periods of modified duty. These suspensions are administrative actions leaving officers on full pay and benefits, but with no police authority.
- F. Employees on modified duty status who need to be absent from work due to related medical, therapy, etc. appointments will have those absences charged to sick leave, accident leave, or other appropriate leave balances.
- G. Before returning to full duty status from modified duty, employees must be declared fit for duty by their certified medical provider and/or a university certified medical provider.

1.452.30 Pregnancy

- A. The agency may grant modified duty status to pregnant employees.
- B. Pregnant employees are encouraged to notify the chief of pregnancies so the agency can anticipate and plan for modified duty status requests.
- C. Pregnant employees may request modified duty status any time during their pregnancies.
- D. Pregnant employees on modified duty status are not subject to the 180 calendar day limitation.
- E. Employees requesting pregnancy related modified duty status will file written reports to the chief through employees' unit and bureau commanders that will contain:
 1. Names, addresses, and phone numbers of certified medical providers who are providing pregnancy related treatment or care;
 2. Dates last seen by certified medical providers;
 3. Dates of next medical appointments;
 4. Expected delivery dates;
 5. Types and nature of activities employees are allowed to perform;
 6. Any other relevant information or documentation; and
 7. Completed Authorization for Release of Medical Records form pertaining to the pregnancies.
- F. When pregnant employees' certified medical providers determine that pregnancies render officers unable to perform the substance of regular duties, the providers may recommend assignments to modified duty status or placement on leave. The final action on such recommendations rests with the chief.
- G. The chief may assign pregnant employees to modified duty status when facts and circumstances indicate that, because of pregnancies, employees are no longer able to perform the substance of their duties.
- H. Pregnant employees on modified duty status must notify the chief, through their chain of command, of changes in:
 1. Names, addresses, and phone numbers of certified medical providers who are providing treatment and care for pregnancies;
 2. Expected delivery dates;
 3. Types and nature of activities employees are allowed to perform; and
 4. Any other relevant information or documentation.