

Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments (also referred to as light-duty assignments). This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Agency to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Milwaukee County Sheriff's Office 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 Agency with a productive employee during the temporary period. Temporary light-duty assignments are temporary assignments only. They are not vacant or permanent positions within the Milwaukee County Sheriff's Office workforce and are not available to employees on a permanent basis under any circumstances.

1027.3 GENERAL CONSIDERATIONS

Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Wisconsin Fair Employment Act (Wis. Stat. § 111.31 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Milwaukee County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

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 Agency. 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 Sheriff 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.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

If the employee has not sufficiently recovered to return to their usual job within this period, then restrictions will be reviewed.

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If at any point an employee is medically determined to have sustained permanent restrictions, the creation or continuation of a temporary light-duty assignment will not be considered. In that event, the Milwaukee County Sheriff's Office will review the employee's situation separately, to determine the appropriate steps to be taken, if any, under the Americans With Disabilities Act, other applicable law, and other relevant Milwaukee County policies.

1027.4 PROCEDURE

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

If a light-duty assignment is available, an employee will be permitted to work in a light-duty assignment after the Milwaukee County Sheriff's Office receives a written statement from the employee's treating healthcare provider approving the assignment for the injured employee. The statement must have a release specifying his/her work restrictions and expected duration of the restriction. This statement must be presented to the supervisor and Human Resources Business Partner or designee upon the employee's return to work for review and consideration.

The employee may be sent home temporarily so the agency may determine if a temporarily modified-duty assignment is available. An employee may not return to work prior to receiving approval for a temporary modified-duty assignment form Human Resources.

In general, the Agency will review the status of the temporary light-duty assignment with the affected employee every 30 to 60 days, in light of the Agency's operational needs and the employee's condition to determine if continuation of the assignment is appropriate.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate agency operations and the employee's medical appointments.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors and the Human Resources Business Partner of any change in restrictions or limitations after each appointment with their treating medical professionals, with the supporting medical documentation.
- (c) While working in a temporary light-duty assignment, the employee may be required to provide updates from his/her treating healthcare provider up to every 30 days. This should include a status update and anticipated duration of the restriction.
- (d) Submitting a written status report to the Human Resources Business Partner that contains a status update and anticipated date of return to full-duty.

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1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Requesting an updated work status report, if necessary.
- (b) Ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) In conjunction with the Training Academy, ensuring that employees returning to full duty have completed any required training and certification.

1027.6 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 employee may be required to attend a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy and the Americans With Disabilities Act.

1027.7 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 involuntarily transferred to a temporary modified-duty assignment.

1027.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors 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.

1027.8 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.

1027.9 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 supervisors of any inability to maintain any certification, training or qualifications.

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1027.10 HUMAN RESOURCES

The Milwaukee County Sheriff's Office Human Resources Business Partner or designee has the supervisory authority to order staff members to comply with timelines and procedures. Refusal to abide by orders from the Human Resources Business Partner or designee handling a temporary light-duty case is a violation of this policy and other Sheriff's Office rules.

1027.11 PROVISIONS RELATED TO WORK-RELATED INJURIES ONLY

Employees who experience a workplace injury that arises in the course and scope of their employment are governed under AMOP 5.05 Transitional Duty Program Procedures (<https://county.milwaukee.gov/EN/Administrative-Services/AMOP>).