



Carroll County Department of Fire & EMS

Standard Operating Procedure:	Effective Date: June 8, 2023
Subject: Modified Duty Assignments	Section: 2.11
Authorized: Chief Michael Robinson	Revision Date: N/A

I. PURPOSE

The Carroll County Department of Fire & EMS (DFEMS) shall require that all Department Emergency Service employees can perform the essential tasks associated with their job descriptions. Their ability to do so shall be known as their Work Status.

When, because of an injury, illness, medical condition, or pregnancy, an employee is temporarily unable to perform the essential job functions of their job classification in accordance with all safety and operational standards as required in an Unrestricted Work Status, but can perform valuable work in a non-operational setting, the Department may assign the individual to a Modified Duty Assignment in accordance with this policy.

II. DEFINITIONS

- A. Training, Health & Safety Officer - The person responsible for managing and coordinating the Department's Occupational Safety and Health Program.
- B. Risk Management Office – The Carroll County Government office that works with the Training, Health & Safety Officer to collect, analyze, and provide data on work related injuries, accidents and illnesses involving Department personnel.
- C. Occupational Medical Evaluation/Exam - The analysis of information for the purposes of determining the Work Status of uniformed operational personnel. An Occupational Medical Evaluation includes a medical examination performed or directed by the Fire Department Occupational Physician. This may occur as part of a pre-employment, annual, post-injury or illness, or other ongoing assessment to ensure uniformed operational personnel are prepared to perform the *Essential Job Tasks* required by their job classification, description, and role.
- D. NFPA 1582 (Current Edition) - The consensus industry standard used to provide guidelines and processes regarding the comprehensive occupational medical programs for fire departments.
- E. Essential Job Tasks - NFPA 1582: *Standard on Comprehensive Occupational Medical Program for Fire Departments* Chapter 5 provides a list of essential tasks which the Department has adopted as Essential Job Tasks, requiring the designated Department Occupational Medical Physician to evaluate and assess the ability of all Operationally Qualified Personnel to complete these functions. (2018, NFPA 1582).

- F. Fire Department Occupational Medicine Physician - A licensed Doctor of Medicine or osteopathy who has been designated by the Department to provide professional expertise in the areas of occupational safety and health as they relate to emergency services.
- G. Full-Duty Assignment - A duty assignment where the ability to perform all *Essential Job Tasks* is required.
- H. Modified-Duty Assignment - An alternative to a Full-Duty assignment in which the Department may assign an employee when temporarily unable to perform the essential job functions of their job classification in accordance with all safety and operational standards, as documented and specified by the Department's occupational medicine provider or the employee's personal physician.
- I. No-Work Status - The work status of an employee who is, at the time, not capable of performing the Essential Job Tasks of the position or any job tasks of a Modified-Duty Assignment. This status is tracked by the Training, Health & Safety Officer.
- J. Restricted Work Status - The work status of an employee who *cannot* perform the Essential Job Tasks of their job classification in accordance with all safety and operational standards but can perform certain job tasks of a Modified-Duty Assignment.
- K. Unrestricted Work Status - The work status of an employee who can perform the Essential Job Tasks in accordance with all safety and operational standards.

III. PROCEDURES

A. WORK STATUS:

1. A Work Status shall be determined and tracked for every employee. This status shall indicate their ability and authorization to perform and provide emergency services. An individual's Work Status shall be categorized as one of three possibilities: *Unrestricted Work Status*, *Restricted Work Status*, and *No-Work Status*.

B. MODIFIED-DUTY ASSIGNMENT:

1. A duty assignment, or the position or job function to which one is assigned, is separate and independent from one's Work Status.
2. DFEMS employees who are in an Unrestricted Work Status shall be assigned by the Department to a Full-Duty Assignment position.
3. DFEMS employees who are in a Restricted Work Status *may* be assigned by the Department to a Modified-Duty Assignment during their period of work restriction in accordance with this policy. A Modified-Duty Assignment shall consist of duties that are carefully designed to comply with a given individual's specific work restrictions.
4. The Director/Chief or designee, in conjunction with Human Resources and/or Risk Management, shall determine whether an employee shall be granted a Modified-Duty Assignment. Factors used to make the determination include, but are not limited to:
 - a. Needs of the Department.
 - b. Whether the injury or illness is job-related
 - c. Anticipated duration of the condition.
 - d. Physical limitations of the employee.
 - e. Ability of the employee to perform an available Modified-Duty Assignment.

- f. Any other circumstance the Department deems relevant in determining whether a Modified-Duty Assignment shall be provided.
5. For Modified-Duty Assignments related to pregnancy, employees should refer to the pregnancy policy.
6. A DFEMS employee may request a Modified-Duty Assignment. The Department may grant the request upon consultation with Human Resources and/or Risk Management and after considering various factors set out in this policy. If enough information is not initially provided, the Director/Chief or designee may request additional detail and information. However, the Department also reserves the right not to provide a Modified-Duty Assignment if an employee is determined not to be able to perform the Essential Job Tasks of their Job Description in accordance with all safety and operational standards.
7. A DFEMS employee requesting a Modified-Duty Assignment shall make a written request to the Director/Chief (through their chain-of-command). The individual shall include a signed statement from the treating physician with the following information:
 - a. The date the employee would be able to begin a Modified-Duty Assignment.
 - b. The anticipated duration of the injury, illness, or condition that requires a Modified-Duty Assignment.
 - c. Specific limitations on the employee's ability to perform in a Modified-Duty Assignment.
 - d. The physician's name, phone number, and contact information.
8. After a decision is made regarding granting the request for a Modified-Duty Assignment the Director/Chief or designee shall ensure that contact is made with the employee and notify them of the decision. If the decision is to grant the request, the Director/Chief or designee shall also ensure that contact is made with Training, Health & Safety Officer and notify them of the pending Modified-Duty Assignment.
9. Once notified that a DFEMS Employee has been granted a Modified-Duty Assignment, the Training, Health & Safety Officer shall ensure that an appropriate assignment is assigned, and that the employee is contacted and notified of:
 - a. Date and time to report for Modified-Duty Assignment.
 - b. Specific location of assignment.
 - c. Name of the employee's temporary Modified-Duty Assignment supervisor (to whom they shall report).
 - d. Whether any additional written documentation is required from the physician before the assignment can begin.
10. When an employee is placed in a Modified-Duty Assignment, due to an injury, either work-related or non-work related, and once an employee's restrictions are known (either from a private treating physician or the Fire Department Occupational Medicine Physician), Training, Health & Safety Officer shall assess possible job-task modifications for employees restricted from Essential Job Tasks, work with the Director/Chief and employee to facilitate effective placement for those Modified-Duty Assignments.
11. Personnel working in a Modified-Duty Assignment shall be assigned an immediate supervisor and shall keep that Modified-Duty Assignment immediate supervisor (or their designee) informed about their daily work location and tasks

- each day. Personnel shall also be responsible to document a daily log of activities, to be submitted to the assigned supervisor each payroll period.
12. At no time shall an employee be directed to engage in activities that are not in compliance with their restrictions. The Training, Health & Safety Officer shall ensure that Modified-Duty Assignment immediate supervisors are informed in writing as to the work restrictions for career employees under their supervision.
 13. DFEMS Employees are considered *essential emergency employees* while assigned to a Modified-Duty assignment and are subject to recall and/or an appropriate assignment, based on the employee's restrictions, that may be of value to the Department or County during times of operational need.
 14. If the Department decides not to initiate a Modified-Duty Assignment, employees shall be required to use leave in accordance with Department and County policies, unless other arrangements can be made to cover any absences (such as exchange time). Employees may also be placed on FMLA status during any absences, as provided in the County policies, and consistent with federal law.
 15. Leave requests during Modified-Duty Assignments shall comply with the following:
 - a. Leave shall be granted based on the operational and administrative needs of the Department.
 - b. If leave cannot be approved and the situation arises in which an absence from work is required to address specific, unplanned, urgent issues, employees may request an exception to use accrued leave. This request must be accompanied by supporting documentation to serve as verifiable evidence. Authorization is at the discretion of the Director/Chief or their designee.
 - c. Personnel working in a Modified-Duty Assignment shall be restricted from earning overtime unless prior written approval is obtained from the Director/Chief or designee.
 - d. *Outside Employment*- Personnel who intend to work for a secondary employer are required to seek approval to ensure there is no contradiction with modified duty assignment.

C. MODIFIED-DUTY ASSIGNMENT - PREGNANCY

1. Department guidelines have been established in accordance with the Pregnancy Discrimination Act of 1978 (PDA), as amended. The PDA broadens the definition of sex discrimination set forth under Title VII of the Civil Rights Act of 1964 to include the discrimination based on pregnancy and childbirth. Recognizing that pregnancy is a unique, transient physical state, an employee may need to seek an Alternate Work Schedule or Modified Duty Assignment. For further information and direction, refer to pregnancy policy.

D. MODIFIED-DUTY ASSIGNMENT – WORK HOURS, PAYROLL, AND LEAVE:

1. Personnel working in a Modified-Duty Assignment shall be reassigned through the time and attendance system.
2. Modified-Duty schedules may be altered to satisfy the needs of the department.
3. For employees working in a Modified-Duty Assignment, their temporary immediate supervisors and their regular immediate supervisors shall ensure that:
 - a. Leave requests are submitted by the employee in the time and attendance system for the approval of the employee's supervisor.
 - b. The employee's original, regular supervisor continues to track all leave accrual and usage during a Modified-Duty Assignment.
 - c. Payroll documentation is submitted through the time and

attendance system by the employee to their Modified-Duty Assignment supervisor.

- d. Work hours missed due to health care appointments associated with a **County-approved job-related injury/illness** shall be entered in payroll in consultation with Carroll County Risk Management

E. EMERGENCY ASSIGNMENT:

1. There may be times during a Modified-Duty Assignment when a change in schedule, work location, and/or assignment is necessitated. The Department shall work with the individual and accommodate their restrictions while working to meet the operational and administrative needs of the Department and the County.

IV. RECISION

This Standard Operating Procedure rescinds all directives regarding Modified Duty Assignments or similar content previously issued for personnel of the Carroll County Department of Fire & EMS.