

Temporary Modified-Duty Assignments

1032.1 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, District rules, or current collective bargaining agreements or memorandums of understanding. For example, nothing in this policy affects the obligation of the District to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1032.2 POLICY

Subject to operational considerations, North Whatcom Fire & Rescue 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 District with a productive employee during the temporary period.

1032.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Washington Law Against Discrimination shall be treated equally, without regard to any preference for a work-related injury.

No position at North Whatcom Fire & Rescue 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 District. 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 length of temporary modified-duty assignments shall be the discretion of the District Fire Chief.

Paid time off accrual shall be adjusted to day-shift firefighter accrual from 24-hour shift firefighter accrual during modified-duty assignment in accordance with the current Collective Bargaining Agreement.

1032.4 PROCEDURE

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

Employees seeking a temporary modified-duty assignment should submit a written request to the Deputy Fire Chief or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.

Temporary Modified-Duty Assignments

- (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.

The Deputy Fire Chief will make a recommendation through the chain of command to the Fire Chief regarding temporary modified-duty assignments that may be available based on the needs of the District and the limitations of the employee. The Fire Chief or the authorized designee may confer with Human Resources or the District Attorney as appropriate.

1032.5 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 district operations and the employee's medical appointments, as mutually agreed upon with the Deputy Fire Chief.

1032.5.1 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 the Deputy Fire Chief of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Deputy Fire Chief that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

1032.5.2 SUPERVISOR RESPONSIBILITIES

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

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

- (a) Periodically apprise the Deputy Fire Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notify the Deputy Fire Chief and ensure that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensure that employees returning to full duty have completed any required training and certification.

Temporary Modified-Duty Assignments

1032.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to participate in a return to work physical with the District's occupational physician. Prior to this appointment, 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.

1032.7 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.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the District should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; RCW 43.10.005; WAC 357.26.030).

1032.7.1 NOTIFICATION

Notification of pregnancy to their immediate supervisors is at the discretion of the pregnant employee. When deemed necessary by the pregnant employee and their medical provider they shall 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 District's personnel rules and regulations regarding family and medical care leave.

1032.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1032.9 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.

1032.10 RE-ENTRY TO SHIFT DUTY

Temporary work assignments, injury/illness, and/or pregnancy related leave extending past 90 days will require all represented line personnel to participate in a re-entry process. The re-entry process will consist of a minimum of three, 8-hour day shifts (24 hours), to complete all mandatory training and review essential job functions.

North Whatcom Fire & Rescue

Policy Manual

Temporary Modified-Duty Assignments

1032.11 SIGNATURE APPROVAL

Approved:



Fire Chief

North Whatcom Fire and Rescue

Date:

