

Transitional-Duty Assignments

1028.1 PURPOSE AND SCOPE

This policy establishes duties, responsibilities, and practices for administering transitional-duty assignments within the Town of Easton. This policy is not intended to affect the rights or benefits of employees under federal or state law. For example, nothing in this policy affects the obligation of the Town of Easton 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.

1028.2 POLICY

Subject to operational considerations, the Town of Easton may identify transitional-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 Department with a productive employee during the temporary period.

1028.3 DEFINITIONS

Transitional-Duty Assignment: In order to be eligible for transitional-duty assignment under this Policy, an employee of the Town of Easton shall have an injury or a medical condition requiring treatment by a medical professional and, who because of injury or medical condition, is temporarily unable to perform their regular assignment, but is capable of performing alternative assignments.

1028.4 GENERAL CONSIDERATIONS

All transitional-duty assignments are provided on a temporary basis and are offered with the understanding that an accommodated employee's physical restrictions are temporary, and that said employee is progressing toward a return to full work capacity. Under no circumstances shall a transitional-duty assignment be construed as an offer for a permanent position within the Town of Easton, nor is it to be deemed as a reasonable, permanent accommodation for a permanent impairment or disability of any kind. A transitional-duty assignment does not change an employee's at-will status with the Town of Easton. The Town of Easton reserves the right to terminate a transitional-duty assignment at any time.

1028.4.1 PRIORITY CONSIDERATIONS

Priority considerations for transitional-duty assignments will be given to employees with work-related injuries or a medical condition that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Maryland Accessibility Code shall be treated equally, without regard to any preference for an occupational injury or medical condition.

1028.4.2 MANAGEMENT

Transitional-duty assignments are a Town Manager or Chief of Police (hereinafter "Management") prerogative and are provided as a benefit to the employee. No position in the Town of Easton shall be created or maintained as a transitional-duty assignment. The availability of transitional-duty

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assignments will be determined on a case-by-case basis, consistent with the operational needs of the Town of Easton. Transitional-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a transitional-duty assignment.

1028.4.3 EMPLOYEES RESTRICTIONS

The Management may restrict employees working in transitional-duty assignments from wearing a uniform, operating an emergency vehicle, engaging in outside employment, and or for the Easton Police Department; being otherwise limited in employing their police powers, displaying a badge and carrying a firearm.

1028.4.4 TIME LIMITATIONS

Transitional-duty assignments shall initially be limited to 520 hours for Occupational and 260 hours for Non-Occupational Injuries and Medical Conditions. Additional transitional-duty assignments shall be limited to 80 hours increments, and not exceed a cumulative total of 1,000 hours in any twelve (12) month period.

1028.5 PROCEDURE

Employees offered a transitional-duty assignment should submit to the Management a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the injury or medical condition
- (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 a transitional-duty assignment
- (f) Date of the employee's next medical evaluation with the medical professional.

1028.5.1 RELATIONSHIP TO OTHER BENEFITS

To the extent that an employee is otherwise eligible for Extended Sick Leave, Short-Term Disability or other paid benefits pursuant to the Town of Easton Employee Handbook, and the employee applies for and is granted a transitional-duty assignment, then the transitional-duty assignment shall replace those benefits and shall not be in addition to those benefits.

1028.6 TRANSITIONAL-DUTY ASSIGNMENTS

Transitional-Duty assignments may be drawn from a range of technical and administrative areas and may be comprised of administrative tasks and non-essential duties or as determined by the Town of Easton.

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1028.7 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to transitional-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Town of Easton operations and the employee's medical appointments, as mutually agreed upon with Management.

1028.7.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to transitional-duty assignments include, but shall not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their assigned supervisor.
- (b) Promptly notifying their supervisor of any change in restrictions or limitations after each appointment with their treating medical professional.
- (c) Communicating a status update to their supervisor no less than once every 30 days while assigned to transitional-duty assignments.
- (d) Submitting a written status report to the Management that contains a status update and anticipated date of return to full-duty when a transitional-duty assignment extends beyond 60 days.
- (e) While working on a transitional-duty assignment, employees are strictly prohibited from performing any task that does not comply with their restrictions. If at any time during a transitional-duty assignment an employee encounters a situation that even potentially requires them to perform a task that does not comply with their work restrictions, then they must not perform the task and shall report the situation to their assigned supervisor immediately.
- (f) Follow all applicable employment and conduct policies. Any such employee who fails to follow such policies is subject to disciplinary action in accordance with the Town of Easton Employee Handbook.

1028.7.2 SUPERVISOR RESPONSIBILITIES

The employee's assigned supervisor shall monitor and manage the work schedule of those assigned to transitional-duty assignment.

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

- (a) Periodically apprising the Management of the status and performance of employees assigned to transitional-duty assignment.
- (b) Discuss the restrictions imposed by the medical professional to make sure the employee understands their restrictions.
- (c) Notifying the Management and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (d) Ensuring that employees returning to full duty have completed any required training and certification.

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1028.8 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professional stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations and maybe required to perform a fitness-for-duty examination prior to returning an employee to full-duty status.

1028.8.1 MEDICAL EXAMINATIONS OPINIONS

The Town of Easton reserves the right to request, at its expense, a second medical opinion by an independent medical professional. In the event these opinions conflict, for occupational injuries and medical conditions the Maryland Workers Compensation Commission and for Non-Occupational injuries and medical conditions the opinion of a third mutually agreeable independent medical professional will be sought. The opinion of the Maryland Workers Compensation Commission and/or the independent medical professional will be final and binding.

1028.9 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 transitional-duty assignment.

1028.9.1 REASONABLE ACCOMMODATION

An employee who is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition may request a reasonable accommodation including (Md. Code SG § 20-609:)

- (a) Changing job duties.
- (b) Changing work hours.
- (c) Relocating the work area.
- (d) Being provided leave.
- (e) Being provided with mechanical or electrical aids.
- (f) Being transferred to less strenuous or less hazardous positions.

1028.9.2 GENERAL CONSIDERATION AND PROCEDURES

The Town of Easton will explore all possible means of providing the reasonable accommodation and may require certification from the employee's medical professional regarding the medical advisability of a reasonable accommodation. This certification will be to the same extent certification that is required for other temporary disabilities. The certification shall include:

- (a) The date a reasonable accommodation is medically advisable.
- (b) Probable duration of the reasonable accommodation.
- (c) An explanation as to the medical advisability of the reasonable accommodation.

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1028.9.3 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical professional 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 within the Town of Easton Employee Handbook.

1028.10 PROBATIONARY EMPLOYEES

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

1028.11 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to transitional-duty assignments 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 transitional-duty assignments shall inform their supervisors of any inability to maintain certification, training or qualifications.