

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>MODIFIED DUTY ASSIGNMENT</b>	POLICY NUMBER <b>5.12</b>
DISTRIBUTION <b>SWORN MEMBERS</b>	DATE REVISED <b>5/2/2007</b>

### 5.12.1 Purpose

To establish policies and procedures for temporary modified job duties for sworn members which will allow sworn members an opportunity to regain full mental, physical, or legal fitness necessary for the performance of the essential functions of the position to which they are assigned.

### 5.12.2 Policy

Public safety is the most crucial function performed by the Department. All duties required of a law enforcement officer in the Georgia Department of Public Safety are essential. Therefore, the required duties and the essential functions of the position are synonymous. Filling each sworn position with individuals capable of performing all of the essential functions of that position is essential to the mission of the Department of Public Safety in preserving and protecting the public safety and welfare. However, a sworn member may be temporarily physically or mentally unable to perform the essential functions of a sworn position. It shall be the policy of the Department to allow sworn members to retain their status as sworn members while temporarily serving in a non-sworn position with modified job duties in order to provide the sworn member an opportunity to regain full mental, physical, or legal fitness necessary for the performance of the essential functions of the position to which they are assigned. Such an offer shall be made only in the event that a non-sworn position is available and the member is able to perform the essential functions of the non-sworn position.

### 5.12.3 Procedures

#### A. Mental/Physical Fitness for Duty

1. Except as specified in this policy, all sworn personnel must be willing and able to perform all of the essential functions of a sworn position at any time while on duty. The essential functions of a sworn position include, but are not limited to, the ability to use force up to and including deadly force to effectuate an arrest, the ability to utilize restraint on a suspect, and the ability to meet firearms qualification.
2. Whenever the Department has reasonable cause to believe that a member is unable to perform the essential functions assigned to a sworn position, the Department may require an examination to determine the physical and/or mental fitness for duty of any sworn member.

## B. Temporary Modified Job Duty Assignments

1. To allow a sworn member an opportunity to regain full mental or physical fitness necessary for regular duty, modified job duties may be approved for a definite period of time that shall not exceed 520 hours within a three year period. Any extensions beyond 520 hours must be approved by the Commissioner or his designee and in no case shall the extension exceed 1040 hours within a three year period.
2. All members are required to maintain the essential physical and mental capabilities to satisfactorily perform the essential functions of the position to which they are assigned. The Department may require examination to determine physical and/or mental fitness for duty at any time during the modified job duty assignment.
3. When the pre-approved time period for modified job duties expires, a member must have full and unconditional release from the appropriate health care providers that they are capable of performing the physical and/or mental fitness necessary to carry out all essential functions of the position to which they are assigned. All sworn members must be willing and able to carry out any and all essential functions of a sworn officer at any time; including, but not limited to, the ability to use force up to and including deadly force, to effectuate an arrest, the ability to utilize restraint on a suspect, and the ability to meet firearms qualification.
4. Following a modified job duty assignment, and prior to returning to full duty assignment, a member must provide a statement from their qualified treatment provider that the member is able to perform all essential functions of a sworn position. The Department may require additional examination by a physician designated by the Department to determine physical and/or mental fitness for return to full duty. The decision to return a member to full duty is within the complete discretion of the Department. The decision is not subject to administrative review or appeal. An inability to return to full duty may result in termination following the expiration of approved use of accrued leave.
5. Any member serving in a non-sworn position as a modified job duty assignment shall not be permitted to wear any uniform of the Georgia Department of Public Safety, unless approved by their Division Director. Any member serving in a non-sworn position shall not be permitted to operate a state vehicle; excepting that a state vehicle may be operated under the same conditions as permitted for a non-sworn member. Commissioned officers may continue to drive assigned unmarked car.
6. For outside employment eligibility please refer to the Outside Employment Policy #5.03, section 5.03.7, A, 6.

## C. Procedure for Requesting Modified Job Duties.

1. Requests for modified job duties shall be made in writing and submitted through the member's supervisory chain of command. Requests shall be submitted with copies of supporting medical/psychological diagnoses with a clear statement from the qualified treating practitioner that the member is unable to perform one or more of the essential job duties of a sworn position. The statement of the treating practitioner must specify which duty or duties the member cannot perform and the anticipated duration of the limitation(s).

2. The Department may require additional documentation in support of the modified job duty request. The Department may also require independent examination by a qualified practitioner to determine physical and/or mental fitness for duty of any member making the request.
3. After consultation with the Director of Human Resources and the Director of Legal Services, or their designee, an adjutant or higher has the authority to approve or disapprove requests for modified job duties.
4. A response to a request for modified job duty assignment shall be made in writing. An approval or denial of a request for modified job duties shall specify the number of hours approved, if any. If the request is approved, the response shall also designate the temporary modified job duties.
5. A copy of the request for modified job duties and response shall be forwarded to the Director of Human Resources for retention in the employee's 201 personnel file.
6. Nothing in this policy creates in a sworn member a right or entitlement to a modified job duty assignment. The Department's decision to approve or disapprove any request for modified job duties is final and is not subject to administrative review or appeal. It is within the sole discretion of the Department whether to approve a modified job duty assignment.