



HARFORD COUNTY SHERIFF'S OFFICE PERSONNEL POLICY

Jeffrey R. Gahler,
Sheriff

Leave and Modified Duty

Distribution:	All Employees	Index:	PER 1002
Responsible Unit:	Human Resources	Rescinds:	PER 1002 (dated 12/8/21)
		MD Code:	

Issued:	12/16/22	Reviewed	12/15/22	Next Review:	12/15/25
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1. Purpose

Provide employees of the Harford County Sheriff's Office (HCSO) with guidelines regarding types of leave and absences from work.

2. Policy

The HCSO recognizes and respects the value of its employees. As such, part of the employment package includes time-off that will be used according to the guidelines contained in this policy. In addition, the Agency values having the employee at work and will strive to provide a period of modified duty when they are medically unable to perform the essential functions of their job.

3. Definitions

ADOPTION: adoption is the creation of a parent-child relationship by judicial order between people who are not a natural parent and a child.

CHILD (For Family Medical Leave Act (FMLA) referred to as Son or Daughter): a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability".

EXTENDED LEAVE: any leave period greater than three days.

FOSTER CARE: twenty-four-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

IMMEDIATE FAMILY: the spouse, parents, siblings, children, stepparents, stepchildren, grandparents, great-grandparents or grandchildren of an employee or the employee's spouse.

INCAPABLE OF SELF CARE: for FMLA leave purposes, a child is incapable of self-care if he requires active assistance or supervision in three or more activities of daily living (ADLs) or instrumental activities of daily living (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking,

cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

IN LOCO PARENTIS: the type of relationship in which a person has put themselves in the situation of a parent by assuming and discharging the obligations of a parent to a child. It exists when an individual intends to take on the role of a parent.

INTERMITTENT LEAVE: leave taken during separate periods of time due to a single illness or injury, rather than a continuous period of time. When medically necessary, leave under the FMLA must be granted on an intermittent basis

PARENT: the biological, adoptive, step, or foster parent of an employee or an individual who stood “in loco parentis” to the employee when the employee was a child.

PHYSICAL OR MENTAL DISABILITY: a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

PROLONGED LEAVE: any leave greater than 14 days.

SERIOUS HEALTH CONDITION: under the FMLA, a serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care (defined as an overnight stay in a hospital, hospice, or residential medical care facility; any overnight admission to such facilities is an automatic trigger for FMLA eligibility) or continuing treatment by a health care provider.

SPOUSE: any individual lawfully married to another individual.

TEMPORARY EMPLOYEE: an at-will employee hired to serve a specific business purpose. These employees generally do not receive full benefits.

TERMINAL LEAVE: a final leave consisting of unused accrued leave granted to an Agency member just prior to separation of employment (**the leave time cannot exceed 60 calendar days prior to the separation date**). This can only be granted by the Sheriff.

UNAUTHORIZED ABSENCE: an absence from scheduled duty without approval from a supervisor and without pay.

4. Procedures

A. Leave in General

1. Any modifications to leave benefits provided to Agency employees will be made available in writing to all employees prior to the effective date of the modification.
2. During the first six months of employment, employees will not be granted leave with pay, except accrued Compensatory Leave, Jury Duty Leave, **Military Leave**, and Funeral Leave.
 - a. Any request for exception must be made in writing via Memorandum (**SO-212**), through the chain of command, for consideration and approval must be obtained from the Sheriff.

3. An employee is prohibited from using leave without pay if the employee has a positive leave balance of any leave that is eligible for use, unless the employee is on approved Family Medical Leave (FML) due to a serious health condition of the employee's spouse, son/daughter, or parent.
4. An employee (non-temporary) who is requesting leave without pay must submit the request in writing via Memorandum ([SO-212](#)), through the chain of command, for consideration and approval by the Sheriff.
5. An employee cannot use sick leave for a non-medical issue.
6. An employee on extended leave for medical reasons will maintain weekly phone contact with his supervisor. Specific notification parameters will be set by the supervisor.
7. Temporary employees, and school crossing guards (not on-call) will accrue Administrative Paid Time Off (PTO) based upon the number of hours worked per month (see D.2. below).

B. Unauthorized Absence

1. Employees are prohibited from being absent from scheduled duty without pre-approval from a supervisor.
2. Leave requests will be submitted using the Harford County Leave Request at least 72 hours in advance unless other arrangements have been made with the employee's supervisor due to unanticipated or emergency circumstances.
3. Temporary employees and school crossing guards granted leave from their scheduled duty will use their Administrative PTO or will not be paid for those hours.
4. Employees are prohibited from submitting a request for leave that has not already been accrued at the time of submission.
5. Requests for annual, personal, and compensatory leave will be submitted by the requesting employee as far in advance as possible (not to exceed 12 months).
6. Any period of prolonged leave must be pre-approved by the member's Division Commander.
7. Any denied leave request will be returned to the employee by the supervisor within 24 hours of receiving the request explaining the reason for denial.
8. Notwithstanding the aforementioned time limits, supervisors will notify affected employees of approval/denial/pending status of leave as soon as practicable.
9. Leave requests will be granted on an equitable and good faith basis consistent with staffing requirements.
10. Harford County Leave Request forms for sick or unexpected illness/injury will be submitted immediately by the employee's supervisor, to permit payroll to be processed in a timely manner.

11. Members requesting Terminal Leave must first submit a memorandum of their intent to separate employment. If Terminal Leave is also requested, a memorandum requesting such should be submit through the member's chain of command to the Sheriff for final approval.

C. Staffing and Leave Computation

1. Supervisors are responsible for scheduling requested leave upon receipt to ensure required staffing levels are met.
2. Supervisors will monitor each subordinate's leave totals and rate of leave accumulation to encourage leave to be taken evenly throughout the year to minimize the impact of accumulated leave being requested at the end of the year and the potential for the loss of accrued leave.
3. Leave computation and records will be the responsibility of the Division Timekeeper.

D. Types of Leave

1. Administrative Leave

- a. May be granted by a Bureau Chief or Division Commander (not to exceed one day per calendar year).
- b. May be granted by the Sheriff or Chief Deputy for good cause.

2. Administrative PTO for temporary employees/school crossing guards (not on-call).

- a. Full-time scheduled employees (40 hours per week):
 - i. Earn 14 hours per month (168 hours per year) for years of service 0 through 15; and
 - ii. Earn 16 hours per month (192) hours per year) for 16th year through end of employment.
- b. Part-time scheduled employees (minimum of 48 hours worked per month):
 - i. Earn four hours per month (48 hours per year) for year 0 through end of employment.
- c. Part-time employees working less than 48 hours per month do not earn Administrative PTO.

3. Annual Leave

- a. Full-time employees (non-temporary) will accrue annual leave at the following rates based upon length of service:
 - i. 0 through conclusion of 3rd year - eight hours per month.
 - ii. 4th year through conclusion of 9th year - 10 hours per month.
 - iii. 10th year through conclusion of 15th year - 14 hours per month.
 - iv. 16th year and up - 16 hours per month.

- b. An employee is permitted to transfer a maximum of 320 hours of Annual Leave to the next calendar year.
- c. Any amount in excess of the 320-hour maximum will be permanently deducted from the employee's leave balance as of January 1st of each calendar year.
- d. Upon separation of employment for any reason, the employee will be paid in one lump sum for any unused Annual Leave accrued.

4. Jury Duty Leave

- a. Employees (including temporary employees) will be granted Jury Duty Leave for time spent on jury duty when it occurs on a regularly scheduled duty day and will receive their full pay.
- b. Employees are precluded from receiving jury duty pay from the Court while being compensated by the HCSO.
- c. Any employee selected for jury duty will forward a copy of the notice received and a completed Harford County Leave Request to their supervisor upon receipt.
- d. Supervisors receiving notice of an employee being assigned jury duty will, whenever possible, assign that employee to Shift #2 for the period of jury duty.

5. Compensatory Leave

- a. In lieu of monetary compensation for overtime performed employees may accrue Compensatory Leave at a rate similar to the monetary rate of pay for overtime.
- b. Permanent employees may accrue a maximum of 240 hours of Compensatory Leave.
- c. Temporary full-time employees may accrue a maximum of 120 hours of Compensatory Leave.
- d. Temporary part-time employees may accrue a maximum of 40 hours of Compensatory Leave.
- e. Compensatory Leave overtime requests which result in an excess of the maximum accrual may be converted to monetary compensation as approved by the Division Commander, with concurrence of the Budget Director.
- f. Employees are not permitted to hold slips to another pay period because their balance is above the maximum.
 - i. If an employee's compensatory leave balance is at the maximum accrual, then he will not be permitted to accrue additional leave time until the balance is below the maximum.
 - ii. The Compensatory Leave overtime request converted to monetary compensation will be so indicated on the copy returned to the employee.
 - iii. Unused Compensatory Leave may be carried over to the next calendar year.

- g. Upon separation of employment for any reason, the employee will be paid in one lump sum for any unused compensatory leave accrued.

6. Holidays

- a. The HCSO will adopt the holiday schedule as designated by the Harford County Department of Human Resources.

New Year's Day	January 1st
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth Day	June 19th
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day & Friday after	4th Thursday in November
Christmas Day	December 25th

- b. If New Year's Day, Juneteenth Day, Independence Day, Veteran's Day, or Christmas Day fall on a Saturday, the holiday will be recognized on the Friday before. If they fall on a Sunday, the holiday will be recognized on the Monday after.
- c. When New Year's Day (January 1st), Independence Day (July 4th), and Christmas Day (December 25th) occur on a Saturday or Sunday, full-time employees who work a "four-and-two" schedule will have the paid holiday recognized on its actual day and not necessarily the day recognized by the HCSO.
- d. Any employee scheduled to work on a designated holiday will be compensated at a rate of time and one-half for every hour worked.
- e. Any eligible employee (non-temporary) regularly scheduled off on a designated holiday will be compensated hour for hour by receiving comp even accrual for that day.

7. Bereavement Leave

- a. Full-time employees (non-temporary) will be granted bereavement leave for any individual of the employee's immediate family (spouse, parents, siblings, children, step-parents, step-children, grandparents, great grandparents or grandchildren of an employee or employee's spouse) up to the following maximum limits:
 - i. A maximum of three days when the funeral of the deceased is within 200 miles of the employee's residence.
 - ii. A maximum of four days when the funeral of the deceased is greater than 200 miles from the employee's residence.
- b. Bereavement leave will be in addition to the employee's regular days off and/or designated holidays.

8. Maternity Leave

- a. Upon learning she is pregnant; a female employee will notify her Division Commander through her chain of command via Memorandum ([SO-212](#)) prior to commencement of the next tour of duty.
- b. A copy of the Memorandum ([SO-212](#)) will also be forwarded to the Human Resources Specialist (HRS).
- c. If the pregnant employee so requests, she will be granted reasonable accommodations associated with her employment and the HCSO will explore all possible means of providing reasonable work accommodations. HCSO will consider complying with a request for reasonable accommodation which may include:
 - i. Changing job duties;
 - ii. Changing work hours;
 - iii. Relocation;
 - iv. Providing mechanical or electrical aids;
 - v. Transfers to less strenuous or less hazardous positions; and/or
 - vi. Providing the use of accrued leave.
- d. The actual modified duty assignment will be based upon the needs of the Agency and may require a change in hours or transfer to another division.
- e. Maternity Leave will fall under the guidelines of the FMLA.

9. Military Leave (see [PER 1005](#) Military Service).

10. Personal Leave

- a. On January 1st of each calendar year, each full-time employee (non-temporary) will be credited with eight days of Personal Leave for use during the calendar year.
- b. Personal Leave will only be used in full-day increments.
- c. Personal Leave will not be carried over to the next calendar year. Any unused Personal Leave will be permanently deducted from the employee's leave balance as of January 1st each calendar year.
- d. Upon separation of employment for any reason, other than retirement, the employee will be paid in one lump sum for up to two unused Personal Leave days.
- e. Upon retirement, an employee will be paid for all unused Personal Leave days.

11. Sick Leave

- a. All full-time employees (non-temporary) will accrue Sick Leave at the rate of 10 hours per month with no maximum accumulation.
- b. An employee may use Sick Leave for the following purposes:
 - i. Actual illness or temporary disability that prevents the employee from performing the essential functions of the employee's job;
 - ii. Illness or injury to an immediate family member of employee which requires the employee to provide care;
 - iii. Necessary medical or dental appointments (request and approval required in advance); or
 - iv. In accordance with the provisions of the FMLA.
- c. Any employee unable to report for his assigned tour of duty for Sick Leave, will notify an on-duty supervisor at his duty station prior to the scheduled duty.
- d. Employees will not work any secondary employment or supplemental law enforcement services while on Sick Leave during the hours compensated for Sick Leave.
- e. At any time, if there is a question as to the employee's ability to perform the essential functions of his position, an employee may be required to see a designated Agency medical/mental health provider when directed by the Sheriff or his designee.
- f. After a period of 30 days of Extended Sick Leave, an employee may be required to be examined by an Agency designated health care provider.
- g. In the event that an employee exhausts his FMLA entitlement, the Agency will provide the employee with a position for which he is qualified, until any remaining accrued Sick Leave is exhausted, not to exceed one year from the first use of leave; If at this time, the employee is unable to return to work in a full-duty status, the employment relationship will be terminated.
- h. An employee will be required to furnish a signed Employee Work Status ([SO-126](#)) or a release from a health care provider upon return to duty after three or more consecutive days of Sick Leave.
- i. An employee may be required to furnish a signed Employee Work Status ([SO-126](#)) or a release from a health care provider upon return to duty after one to three days absence due to illness or injury at the discretion of the shift supervisor.
- j. A copy of the health care provider's orders will be forwarded by the employee to the HRS via chain of command.
- k. Sick Leave taken for purposes other than illness or injury or for unsubstantiated Sick Leave usage will be considered abuse of Sick Leave.
Example: excessive usage of Sick Leave for unsubstantiated illness/injury, patterns in which the employee uses Sick Leave in conjunction with other leave, regular days off (RDO's), or to

negate undesirable scheduling, or use of Sick Leave when the employee does not suffer from a bona-fide illness/injury.

- l. Supervisors are responsible for monitoring Sick Leave usage and taking appropriate action in cases of abuse.
- m. Any employee discovered to be feigning illness or injury, or abusing Sick Leave in any manner, may have the period of absence changed to leave without pay, in addition to any disciplinary action up to, and including, termination.
- n. Abuse of Sick Leave may affect an employee's performance evaluation; depending on the extent of the abuse, an employee may receive an "Unsatisfactory" rating on the performance evaluation.
- o. Under no circumstances will an employee be subject to discipline for taking Sick Leave for an FMLA qualifying reason during his leave entitlement pursuant to provisions of the FMLA.
- p. Upon separation from employment due to retirement, the employee will be paid in one lump sum for 50% of the employee's total Sick Leave balance accrued. If separation from employment occurs for any reason other than retirement, any accrued Sick Leave will be forfeited by the employee.
- q. Upon retirement, 100% of the employee's accrued Sick Leave time will be added to the employee's creditable time for retirement calculation of monthly basic allowance. See the [Retirement Manual](#) in PowerDMS for additional information.

12. Sick Leave Bank

- a. The HCSO offers a voluntary Sick Leave Bank (SLB) to any full-time HCSO employee who accrues Sick Leave.
- b. The SLB is designed and implemented to provide additional Sick Leave days for HCSO employees who, due to illnesses or injuries, are temporarily incapacitated and have exhausted all of their accumulated leave.
- c. The SLB may only be used for employees' own personal illnesses or injuries.
- d. The SLB may only be used by employees who are expected to recover and return to work in a full-duty capacity.
- e. Current employees may apply to join the SLB during open enrollment (generally the month of May) and new employees may join after their six-month anniversary.
- f. When necessary, the HRD will provide the employee, family of the employee, or legal representative making application on behalf of an SLB employee, application forms and leave balances as required for application.
- g. The [SLB Administrative Manual](#) is available for review in PowerDMS.

- h. The SLB is governed by the SLB Board of Directors with guidance of the [SLB Administrative Manual](#).

13. Worker's Compensation Leave

- a. Benefits under the Maryland Worker's Compensation Act may be granted to an employee who sustains an occupational injury or illness determined to be job-related and which results in the employee's absence from duty per instructions from a health care provider.
- b. Determination of compensability under the Maryland Worker's Compensation Act is made by the Harford County Department of Law.
- c. Employees must report on-the-job injuries immediately to their supervisor.
- d. Authorization must be obtained before seeking treatment; however, emergency care should not be withheld due to a delayed authorization.
 - i. During normal work hours (Monday - Friday, 0800 - 1700) a supervisor will contact the HRS.
 - ii. During non-work hours and holidays, a supervisor has the authority to authorize initial treatment.
 - iii. The supervisor is responsible for ensuring the completion of a Harford County Supervisor's Incident Report ([SIR](#)) and the Employee Report of Incident ([SO-016](#)) prior to the end of the shift of the employee and supervisor.
 - iv. The supervisor will forward the completed forms by email to the "Employee Injury" email group by the end of their shift.
 - v. The hard copy of the completed forms and a copy of the medical discharge documentation, if applicable, will also be sent to the HRS.
- e. Arrangements have been made with local medical care facilities to provide necessary treatment for work related injuries to HCSO employees; for a current list of approved facilities or assistance in seeking medical treatment contact the HRS.
- f. If an actual emergency or life-threatening injury is present, the employee should be directed to the appropriate hospital.
- g. Any absence due to the injury or illness will also be charged against FML, if applicable.
- h. A member who has returned to work following a work-related injury but continues to undergo approved medical care or physical therapy for an accepted Workers' Compensation Claim shall be paid Workers Compensation Administrative Leave for that portion of his regularly scheduled workday required for treatment and travel time.
- i. The member must provide his supervisor/timekeeper with medical documentation verifying the period of time required for this treatment.

- j. A member who attends medical appointments at times other than during his or her regularly scheduled day, or on days that he is scheduled off on pre-approved leave, is not entitled to additional payment or overtime for this time.
- k. The member's time in Kronos should be marked "Workers Compensation" for the time spent at the medical appointment.

14. Family Medical Leave

- a. Details regarding the federal law are posted in work locations and also may be found in The Family and Medical Leave Act of 1993, available [online](#), administered by the Wage and Hour Division of the United States Department of Labor.
- b. Employees who have been employed by the Agency for at least 12 months (the time need not be consecutive months, but must be within the seven years prior to the leave date), and who have worked at least 1250 hours during the 12 month period immediately before the beginning of the leave date are entitled to a total of 12 workweeks of unpaid FML during a rolling calendar year for any of the following reasons:
 - i. The birth of a child of the employee in order to care for such child (eligibility for leave expires 12 months after the date of birth of the child);
 - ii. Placement of a child with the employee for adoption or foster care (eligibility for leave expires 12 months after the date of placement of the child);
 - iii. To care for the spouse, child, or parent of the employee, if that spouse, child or parent of the employee has a serious health condition as defined by the FMLA;
 - iv. The employee has a serious health condition, as defined by FMLA;
 - v. Due to a non-medical "qualifying exigency" that is directly related to a covered family employee's (defined as spouse, son/daughter or parent of the employee) active duty or call to active duty in the National Guard or Reserves, in support of a contingency operation. A "Qualifying Exigency" does not apply to employees of the regular Armed Forces; or
 - vi. For an eligible employee (limited to a spouse, son/daughter, parent or next of kin of a covered service employee) to care for a covered service employee who is a current employee of the regular Armed Forces, National Guard, or Reserves who has incurred an injury or illness in the line of duty while on active duty, provided that such injury or illness renders the service employee medically unfit to perform the duties of his office, grade, rank, or rating.
- c. FML may be up to 26 consecutive workweeks of unpaid leave during a single 12-month period; this is the only instance in which a leave of up to 26 workweeks may be taken.
- d. If an employee is out of work due to an injury or illness, or if the employee has an upcoming medical procedure in which they will be on extended leave (regardless of what type of leave is submitted for payment), the employee must send a written request for FML through the employee's chain of command, with the supervisor forwarding the request to the HRS.

- e. Before returning to work, the employee will have an Employee Work Status ([SO-126](#)) completed by the treating health care provider and will forward a copy to the HRS.
- f. Birth of a child
 - i. An employee who wishes to take time off for birth/placement of a child, must send a written request for FMLA leave via Memorandum ([SO-212](#)) through the chain of command to the HRS. The request must be received prior to the birth.
 - ii. Eligible employees will be granted up to 12 weeks of paid time (if accrued leave is available), or unpaid job-protected leave on a “rolling 12-month period” measured from the first hour used for FMLA leave.
 - iii. Eligible employees must substitute applicable accrued paid leave prior to utilizing unpaid leave.
 - iv. Leave not used in any 12-month period will not be carried over to the next 12-month period.
 - v. If a husband and wife are both employed by the HCSO, a combined maximum of 12 weeks of unpaid leave is approved for the birth/placement of child.
 - vi. An employee’s entitlement to FMLA leave for the birth and bonding expires 12 months after the date of birth or adoption of the child.
 - vii. FMLA leave taken for the birth and bonding of the employee’s child or placement of a child with the employee for adoption must be taken in one continuous block and will not be granted on an intermittent basis.
 - a) Therefore, an employee who takes time off at the time of birth or adoption (and for any period beyond the day of birth or adoption) will be considered to have begun the employee’s FMLA entitlement.
 - b) Once the employee returns to work in any capacity, the FMLA period allowed is complete unless an additional certification is provided for the need to care for the child or spouse for medical reasons.
 - c) If the employee only takes off the day of the child’s birth, the employee may use any remaining FMLA entitlement within the immediate 12 months after birth of the child.
- g. Each spouse will be individually eligible for additional FMLA if the leave is for other conditions approved as FMLA leave.
- h. At no time may an employee exceed his individual FMLA entitlement.
- i. The Agency reserves the right to designate any absence from work as FMLA leave if any of the qualifying conditions result in the employee’s absence from work.

- j. If an employee requests and is approved for intermittent leave which is required due to medical necessity for either the employee or to care for an employee's covered family member, the Agency may require the employee to transfer temporarily to an available alternate position of equivalent pay and benefits for which he is qualified to better accommodate recurring periods of leave.
- k. The employee will be permitted to return to his regular (or an equivalent) position provided the leave does not exceed the 12-week limit or 26-week limit for Military Family Leave.
- l. For birth/placement of a child or for an employee's serious health condition, the employee will exhaust all leave balances before he is eligible for the remainder of FML as unpaid leave.
- m. For a serious health condition of an employee's spouse, child or parent, the employee will exhaust all leave balances, except for sick leave, before he is eligible for the remainder of FML as unpaid leave.
- n. The period of paid leave time is counted as part of the 12-week FML period.
- o. The total FMLA leave time, which may include paid annual, personal, comp and sick time, may not exceed 12 weeks.
- p. The Agency has the right to designate such leave as running concurrently with FML.
- q. Returning to Work after FML
 - i. If leave is due to the employee's own medical condition, he is required to provide medical certification that he can resume work before returning.
 - ii. Before returning to work, the employee will have an Employee Work Status ([SO-126](#)) completed by the treating health care provider and will forward a copy to the HRS.
 - iii. Before returning to work, the employee will be restored to his original or equivalent position with equivalent pay, benefits, and other employment terms.
 - iv. If the employee refuses the position, the Sheriff may pursue action for termination.
 - v. Failure to return to duty after release from a health care provider will be considered a voluntary resignation from the Agency.
- r. Benefits during FML
 - i. Taking FML will not cause the employee to lose any employment benefits accrued prior to the first day of leave.
 - ii. The leave period will be treated as continued service for purposes of determining vesting and eligibility to participate in any retirement plan in effect.
 - iii. However, employees on FML normally will not accrue any other additional benefits during the leave period, unless it is paid leave under which benefits would otherwise accrue.

- iv. The Agency will maintain insurance benefits while the employee is on FML, although he will be required to pay his portion of the premium, or reimburse the Agency for his portion of the premium upon returning to work; however, if the employee does not return to work after the leave, he may be asked to reimburse the Agency for the Agency's cost of maintaining insurance coverage during the leave.
 - a) This provision will not apply in cases where the employee's inability to return is through no fault of his own (for example, at the end of leave the employee remains physically unable to return due to his serious health condition).

15. Modified Duty

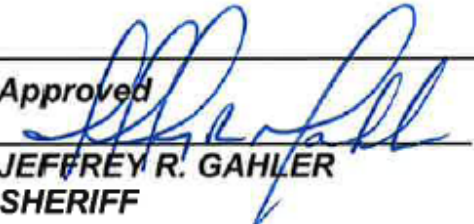
- a. An employee may be placed in a modified duty status when temporarily unable to perform the essential job functions of his position and has been released by a health care provider to perform duties other than those required within his official job description.
- b. An employee will not be placed on permanent modified duty under any circumstances.
- c. An employee will request a modified duty assignment by submitting a Memorandum ([SO-212](#)) through the chain of command to his Division Commander along with Employee Work Status ([SO-126](#)).
- d. The Division Commander will forward a copy of the Memorandum ([SO-212](#)) and medical documents to the HRS, with recommendations.
- e. Modified duty assignments will be coordinated through the HRS and the employee's Division Commander.
- f. The considerations for placing an employee on modified duty will be the restrictions imposed on the employee, the date of the next medical examination, and the availability of an assignment within the Agency.
- g. An employee, who has returned to work following a work-related injury and is working a modified duty assignment, may be temporarily reassigned for the duration of his modified duty assignment to accommodate his medical care or physical therapy.
- h. Modified duty assignments are available when the medical prognosis reveals the employee will be able to return to full-duty assignment within 90 days.
- i. The Agency is under no obligation to create a modified duty assignment if one is not available.
- j. If no modified duty assignment is available, the affected employee must utilize his accrued leave (unless it is for an approved Worker's Compensation case).
- k. Employees who decline a modified duty assignment, regardless of whether the medical condition is work related or not, will remain off work and must utilize their leave, if available.
- l. Continued employment is not guaranteed if an employee refuses a modified duty assignment.

- m. The affected employee will submit to his Division Commander an updated Employee Work Status ([SO-126](#)) from the employee's health care provider every 30 days. The Division Commander will promptly provide such updated Employee Work Status ([SO-126](#)) to the HRS.
- n. The HRS will review the availability of continued modified duty with the Chief of the Services and Support Bureau after submission of forms.
- o. At the conclusion of 90 days, the employee may be evaluated by a health care provider as designated by the Sheriff.
- p. Modified duty may be extended at the discretion of the Sheriff, but in no case will modified duty exceed a period of one year.
- q. At the conclusion of modified duty, regardless of duration, if the employee is unable to return to his former position, he may request consideration for reclassification, may seek retirement, or may be subject to termination from employment.
- r. The affected employee will be required to produce a medical release prior to return to full-duty and a copy of this release will be forwarded to the HRS.
- s. An employee will not work any secondary employment or supplemental overtime while in a modified duty assignment.
- t. An employee will not work any overtime while in a modified duty assignment, without prior approval from the employee's Division Commander. If an employee is temporarily assigned to another location, the Division Commander of that location must also approve the overtime work.
- u. The approval must take into consideration the work restrictions as determined by the employee's medical provider and documented in the HCSO medical file with the HRS.
- v. Sworn employees cannot wear any uniforms while on modified duty and professional business attire is the required standard of dress.
 - i. Any sworn employee placed on modified duty will have his powers suspended for the duration of the modified duty assignment and will not perform any duties requiring police/correctional authority, including contract overtime.
 - ii. The employee will surrender his issued weapon(s) and assigned vehicle to his Division Commander within 24 hours of being placed in a modified duty assignment.
 - iii. The Division Commander has discretion to allow a sworn employee to carry his issued firearm provided the reason for the modified duty would not hamper his ability to perform with the firearm.
- w. An employee misrepresenting the need for modified duty will be subject to disciplinary action up to and including termination.

E. Employee Termination for Lengthy Absences

1. Unless prohibited by federal, state, or local law, the Agency will only hold open an employee's position or provide an equivalent position until the employee exhausts FMLA leave.
2. If an employee exhausts his FMLA entitlement, the Agency will provide the employee with an extended leave of absence until any remaining accrued leave has been exhausted and/or opportunities provided under the Modified Duty Program have been exhausted.
3. The total time on a leave of absence and/or modified duty (to include that covered by FMLA) will not exceed a period of one year from the first use of leave or first day worked in modified duty. Thereafter, the employment relationship will be terminated.
4. The employee is not guaranteed his original position or an equivalent position.

F. Medications (see [ADM 0510](#) Medical Conditions and Prescription Medications).

Approved 

JEFFREY R. GAHLER
SHERIFF
DATE 12/16/2022