

*Please Note: This is a working draft of Directive 0415.00. The PPB has not implemented any portion of this draft. Submit your comments using the “Provide Feedback Here” link located at the end of the directive.

A redline copy of the updated directive is included in this attachment.

0415.00 Return to Work, Modified Duty, Assignments, and Accommodations
Second Universal Reivew: 9/15/22 – 10/15/22

Refer:

- ORS 659A.043
- ORS 659A.046
- City of Portland Human Resources Administrative Rule 2.06, Reasonable Employment Accommodations
- City of Portland Human Resources Administrative Rule 7.08, Injured Employee Return to Work
- City of Portland Human Resources Administrative Rule 7.09, Medical Layoff
- DIR 0060.40, Personnel Orders
- DIR 0210.21, Leave of Service
- DIR 0240.00, Employee Assistance Program
- DIR 0410.00, Injury, Illness, Disability and Leaves from Service
- DIR 0414.00, Pregnancy and Lactation Accommodations
- DIR 0416.00, Critical Incident – Temporary Altered Duty
- PPB Personnel Division SOP #009, Modified Duty

Definitions:

- **Eligible Members:** Any full-time sworn or professional staff member who is unable to perform the full range of job responsibilities associated with their job classification because of injury, illness, disability, or pregnancy.
- **Full Duty:** A sworn member’s status as able to perform the full range of job responsibilities associated with the police officer job classification, without restrictions.
- **Modified Duty:** A sworn member’s status as not able to perform the full range of job responsibilities associated with the police officer job classification.
- **Modified Assignment:** A work assignment not requiring performance of the full range of responsibilities associated with a member’s regular job classification.
- **Pregnancy:** “Pregnancy” means pregnancy, childbirth, or a related medical condition, including but not limited to lactation.
- **Reasonable Accommodation:** reasonable accommodation may include, but need not be limited to acquisition or modification of equipment or devices; more frequent or longer periods or periodic rest; assistance with manual labor; or modification of work schedule or job assignments.

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Policy:

1. The Bureau recognizes the value of offering modified assignments, when possible, to members who are unable to perform all or part of their job responsibilities because of illness, injury, disability, or pregnancy. Modified assignments allow members to continue working, stay connected with their colleagues, and assist Bureau operations while a member is unable to perform their regular job assignment.
2. The Bureau shall make reasonable efforts to establish modified assignments for members who are unable to perform the duties associated with their job classification due to illness, injury, disability, or pregnancy.
3. Availability of modified assignments is at the Bureau’s discretion and shall be determined based on the operational and business needs of the Bureau, including the need to provide efficient and effective public safety services.

Procedure:

1. Requests for Modified Assignments.
 - 1.1. Any eligible member can request a modified assignment.
 - 1.2. Requests should be made through channels and in writing to the member’s RU Manager.
 - 1.3. The RU Manager shall forward the request to the Personnel Division for evaluation and determination of assignment.
 - 1.4. Modified assignments that are projected to last for more than 80 hours require approval by the Assistant Chief of Services.
2. Modified Assignment Allocation.
 - 2.1. Modified assignments shall not be used as corrective action.
 - 2.2. Members in modified assignments may be reassigned or have work hours and days off changed based on the needs of the Bureau, availability of modified assignments, and pursuant to applicable collective bargaining agreements.
 - 2.3. Assignments for sworn members on Modified Duty may consist of, but are not limited to:
 - 2.3.1. Operational support such as taking calls for service by phone and approving online police reports;
 - 2.3.2. Special projects;
 - 2.3.3. Temporary duty assignment at another RU; or
 - 2.3.4. Modified assignment at current RU.
3. Probationary Members.
 - 3.1. The Bureau may extend probation for probationary members on modified duty and/or assigned to a temporary modified assignment for more than three (3) consecutive weeks

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by a period of time equal to the member’s time on modified duty or in a temporary modified assignment.

3.2. Personnel Division shall track the length of time probationary members are on modified duty and/or in a temporary modified assignment, and shall notify Training Division when a sworn member reaches the three (3) consecutive week mark.

4. Member Responsibilities.

4.1. Members have an obligation to inform the Bureau if and when they are capable of returning to their full job responsibilities. Accordingly, members shall submit an updated Work Status Report or physician’s letter as soon as possible if/when their medical condition changes and the change affects their ability to perform their job responsibilities.

4.2. Supervisors Responsibilities.

4.2.1. Supervisors shall forward requests for modified assignments through channels.

4.3. Personnel Division Responsibilities.

4.3.1. Personnel Division shall evaluate all requests for modified assignments and facilitate the allocation of such assignments. .

4.3.2. Personnel Division shall track all members on modified duty and/or in modified assignments and facilitate all required documentation related to modified duty and modified assignments.

4.4. RU Manager Responsibilities.

4.4.1. RU managers shall forward requests for modified duty to Personnel Division.

4.4.2. RU managers shall ensure that all members who are released to modified duty complete the proper paperwork, including FPDR or FLMA forms if applicable.

4.4.3. RU managers shall ensure that all members who are in a modified assignment for more than 14 days are placed on a modified duty contract.

5. Return to Regular Assignment.

5.1. Documentation Required.

5.1.1. Members in a modified assignment cannot return to their regular assignment without providing an updated Work Status Report or a physician’s letter for non-service injuries.

5.1.2. Supervisors shall not allow members to return to work without providing an updated Work Status Report or a physician’s letter.

5.2. Training.

5.2.1. Refresher training may be required depending on a member’s assignment and/or length of leave.

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- 5.2.2. For uniform patrol assignments where a member was on modified duty for three (3) months or longer, the Training Division shall provide the member with refresher training.
6. General provisions pertaining to modified assignments.
 - 6.1. The Bureau has the authority to require an Independent Medical Evaluation (IME) or Fitness for Duty Evaluation (FDE) of a member at any time by a qualified medical professional of the Bureau's choosing and at the Bureau's expense. For members being considered for a modified assignment, the Personnel Division, in consultation with the Bureau, is also authorized to require an examination.
 - 6.2. The availability of a modified assignment does not affect a member's eligibility for a leave of absence for an injury or illness that is sustained in the line of duty or any other form of leave that the member may be eligible for under City Administrative Rules and state or federal law (i.e. Family and Medical Leave Act).
 - 6.3. A member who is in a modified assignment for medical reasons is not prohibited from applying for promotion through the regular City civil service process. A member who is otherwise qualified may be eligible for promotion if:
 - 6.3.1. The member is able to perform the essential functions of the assignment and;
 - 6.3.2. The member is released to perform the essential functions by an appropriate medical professional prior to the effective date of the promotion and;
 - 6.3.3. The available assignment is in the rank in which the promotional vacancy exists.
 - 6.4. This program shall not be construed as recognition by the City of Portland, the Portland City Council, City management, or City employees or agents, that any employee who participates in the program is a qualified individual with a disability as defined by the Americans with Disabilities Act (ADA) or 1990 or state law.
 - 6.5. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform their supervisor or the Personnel Division that the member believes a disability under the ADA exists, and reasonable accommodation is necessary to perform the essential functions of their job. The City ADA process and forms are required and can be found on line at the City's website.

[Provide Feedback Here.](#)

0415.00 Return to Work Policy, Modified Duty, Assignments, and Accommodations

Refer:

- ~~• City Administrative Rule 7.08 Injured Employee Return to Work~~
- ~~• DIR 414.00 Pregnancy~~
- ORS 659A.043
- ORS 659A.046

- STATEMENT OF PURPOSE City of Portland Human Resources Administrative Rule 2.06, Reasonable Employment Accommodations
- City of Portland Human Resources Administrative Rule 7.08, Injured Employee Return to Work
- City of Portland Human Resources Administrative Rule 7.09, Medical Layoff
- DIR 0060.40, Personnel Orders
- DIR 0210.21, Leave of Service
- DIR 0240.00, Employee Assistance Program
- DIR 0410.00, Injury, Illness, Disability and Leaves from Service
- DIR 0414.00, Pregnancy and Lactation Accommodations
- DIR 0416.00, Critical Incident – Temporary Altered Duty

PPB Personnel Division SOP #009,

- 1.1. ~~The Bureau recognizes modified duty assignments create a mutual benefit to both the Bureau and the member by providing the member with the ability to continue working while also providing the Bureau with a productive employee during the interim period.~~

~~2. DIRECTIVE SPECIFIC DEFINITIONS~~

- Modified Duty

Definitions:

- Eligible Members: Any full-time sworn or professional staff member who is unable to perform the full range of job responsibilities associated with their job classification because of injury, illness, disability, or pregnancy.
- Full Duty: A sworn member's status as able to perform the full range of job responsibilities associated with the police officer job classification, without restrictions.
- Modified Duty: A sworn member's status as not able to perform the full range of job responsibilities associated with the police officer job classification.
- Modified Assignment: A work assignment not requiring performance of the full range of duties/responsibilities associated with a member's regular job classification.
- Pregnancy: "Pregnancy" means pregnancy, childbirth, or a related medical condition, including but not limited to lactation.

- Reasonable Accommodation: reasonable accommodation may include, but need not be limited to acquisition or modification of equipment or devices; more frequent or longer periods or periodic rest; assistance with manual labor; or modification of work schedule or job assignments.

Policy:

1. The Bureau recognizes ~~The Bureau will~~ the value of offering modified assignments, when possible, to members who are unable to perform all or part of their job responsibilities because of illness, injury, disability, or pregnancy. Modified assignments allow members to continue working, stay connected with their colleagues, and assist Bureau operations while a member is unable to perform their regular job assignment.
2. The Bureau shall make reasonable efforts to establish modified ~~duty~~ assignments ~~to allow for~~ members ~~to return to work during an interim period when they who~~ are temporarily unable to perform the duties associated with their job classification due to illness, injury, disability, or pregnancy. ~~Additionally, the Bureau may identify a limited number~~
 - 2.1. ~~Availability~~ of modified ~~duty~~ assignments for members whose restrictions are of a more permanent nature and prevent them from performing the duties associated with their regular job classification.
3. The designation of modified duty assignments is discretionary and the designation may be reverted at any time to fully duty assignments. ~~The allocation will~~ assignments is at the Bureau's discretion and shall be determined based on the operational and business needs of the Bureau, including the need to provide efficient and effective public safety services, ~~as well as budget and staffing requirements.~~

Procedure:

1. Requests for Modified ~~DUTY ASSIGNMENTS~~ Assignments.
 - 3.1. Requests for a modified duty assignment may be made by any member who has incurred a short-term disability or whose restrictions are of a permanent nature and prevent the member from performing the duties of their regular job classification, and the disability and/or restrictions are a result of either a service or non-service connected incident.
 - 1.1. Any eligible member can request a modified assignment.
 - 1.1.1.2. Requests should be made through channels and in writing to the member's RU Manager.
 - 1.3. The RU Manager ~~will~~ shall forward the request to the Personnel Division ~~Manager who will evaluate the request for evaluation~~ and ~~determine if a modified duty determination of~~ assignment ~~is within the member's job analysis limitations as determined.~~

~~1.2.1.4. Modified assignments that are projected to last for more than 80 hours require approval by a qualified medical professional, and available in accordance with the staffing guidelines outlined in the Personnel Division's Standard Operating Procedures (SOP)-the Assistant Chief of Services.~~

2. ~~Modified Assignment Allocation-PROCEDURE.~~

~~3.2. The Personnel Division is responsible for maintaining an SOP outlining the procedure for allotment of modified duty positions, ensuring that it establishes procedures and guidelines that meet the Bureau's current operational and business needs. The SOP will be regularly maintained to ensure adherence to any Bureau obligations established under state law, city administrative rules, FPDR guidelines, collective bargaining agreements, or any other applicable city policies.~~

~~2.1. Modified assignments shall not be used as corrective action.~~

~~2.2. Members in modified assignments may be reassigned or have work hours and days off changed based on the needs of the Bureau, availability of modified assignments, and pursuant to applicable collective bargaining agreements.~~

~~2.3. Assignments for sworn members on Modified Duty may consist of, but are not limited to:~~

~~2.3.1. Operational support such as taking calls for service by phone and approving online police reports;~~

~~2.3.2. Special projects;~~

~~2.3.3. Temporary duty assignment at another RU; or~~

~~2.3.4. Modified assignment at current RU.~~

3. ~~Probationary Members.~~

~~3.3.3.1. The Bureau may extend probation for probationary members who are on modified duty and/or assigned to a temporary modified duty assignment will have their probation extended for more than three (3) consecutive weeks by a period of time equal to the member's assignment to time on modified duty; or in a temporary modified assignment.~~

4. ~~RESPONSIBILITY, ACCOUNTABILITY, AND CONTROL~~

~~3.2. Personnel Division shall track the length of time probationary members are on modified duty and/or in a temporary modified assignment, and shall notify Training Division when a sworn member reaches the three (3) consecutive week mark.~~

~~5.4. Member Responsibilities.~~

~~5.1.1. Members assigned to a modified duty assignment will notify their immediate supervisor, as well as the FPDR Liaison if they are assigned to a unit other than the Personnel Division's Operation Support Unit (OSU), of any change in their condition that modifies the original medical release.~~

~~5.1.2. Members receiving disability benefits from FPDR or Worker's Compensation payments are expected to inform FPDR or Risk Management of any changes in their condition.~~

~~5.1.3. Members assigned to a modified duty assignment are expected to meet the conduct and performance expectations of the assignment.~~

~~5.1.4. Members who are considering refusing a modified duty assignment that is within their restrictions should consider the potential consequences of a refusal. Refusal could subject the member to disciplinary action and ineligibility for disability benefits. Disability benefits or workers' compensation payment decisions are solely within FPDR's or Risk Management's decision making authority.~~

~~4.1. Members have an obligation to inform the Bureau if and when they are capable of returning to their full job responsibilities. Accordingly, members shall submit an updated Work Status Report or physician's letter as soon as possible if/when their medical condition changes and the change affects their ability to perform their job responsibilities.~~

~~5.2.4.2. Supervisors Responsibilities.~~

~~5.2.1.4.2.1. Supervisors willshall forward requests for modified ~~duty~~ assignments through channels.~~

~~5.3.4.3. Personnel Division Responsibilities.~~

~~5.3.1.4.3.1. Personnel Division will maintain an SOP outlining the shall evaluate all requests for modified-duty procedures assignments and facilitate the allocation of such assignments.~~

~~5.3.2. Personnel Division shall track all members working under aon modified duty contract will initially report to the OSU Sergeant and submit all FPDR related paperwork to the OSU Sergeant until they are released to full duty and/or the contract ends.~~

~~4.3.2. The OSU Sergeant will coordinate the temporary assignment of in modified duty members to other Reporting Units upon request by an assignments and facilitate all required documentation related to modified duty and modified assignments.~~

~~5.3.3. RU:~~

~~5.4.4.4. RU Managers Manager Responsibilities.~~

~~4.4.1. RU managers shall forward requests for modified duty to Personnel Division.~~

~~5.4.1.4.4.2. RU managers willshall ensure that all members who are released to modified duty complete the proper paperwork, including FPDR or FLMA forms if applicable.~~

~~5.4.2.4.4.3. In all cases, RU managers willshall ensure that all members who are in a modified ~~duty~~ assignment for more than 14 days are placed on a modified duty contract.~~

~~5.4.3. If a member is reassigned to OSU under a temporary off street assignment contract, it remains the RU manager's responsibility to develop and implement a plan to improve the member's performance.~~

~~5.4.4. If a member is reassigned to OSU and working under a written performance improvement plan, the RU manager responsible for that plan will provide the OSU Sergeant with a copy of the plan so the OSU Sergeant may coordinate the member's compliance with the plan while they are assigned to OSU.~~

~~6.5.~~ Return to ~~FULLY DUTY PROCEDURES~~ Regular Assignment.

~~6.1.~~ Any member on modified duty assignment released to full duty must submit a release from a qualified medical professional. A member who is on service connected disability, non-service connected disability or workers' compensation is expected to comply with FPDR or Risk Management requirements, if applicable.

~~6.2.~~ Members will notify the OSU Sergeant and the FPDR Liaison immediately when they are released to return to full duty.

~~6.3.~~ The Bureau may require an Independent Medical Evaluation (IME) or Fitness for Duty Evaluation (FDE) prior to the member's return.

5.1. Documentation Required.

5.1.1. Members in a modified assignment cannot return to their regular assignment without providing an updated Work Status Report or a physician's letter for non-service injuries.

5.1.2. Supervisors shall not allow members to return to work without providing an updated Work Status Report or a physician's letter.

5.2. Training.

5.2.1. Refresher training may be required depending on a member's assignment and/or length of leave.

5.2.2. For uniform patrol assignments where a member was on modified duty for three (3) months or longer, the Training Division shall provide the member with refresher training.

~~7.6.~~ General provisions pertaining to modified ~~DUTY~~ assignments.

~~7.1.6.1.~~ The Bureau has the authority to require an Independent Medical Evaluation (IME) or Fitness for Duty Evaluation (FDE) of a member at any time by a qualified medical professional of the Bureau's choosing and at the Bureau's expense. For members being considered for a modified ~~duty~~ assignment, the Personnel Division, in consultation with the Bureau, is also authorized to require an examination.

~~7.2.6.2.~~ The availability of a modified ~~duty~~ assignment does not affect a member's eligibility for a leave of absence for an injury or illness that is sustained in the line of duty or any other form of leave that the member may be eligible for under City Administrative Rules and state or federal law (i.e. Family and Medical Leave Act).

~~7.3.6.3.~~ A member who is in a modified ~~duty~~ assignment for medical reasons is not prohibited from applying for promotion through the regular City civil service process. A member who is otherwise qualified may be eligible for promotion if:

~~7.3.1.6.3.1.~~ The member is able to perform the essential functions of the assignment and;

~~7.3.2.6.3.2.~~ The member is released to perform the essential functions by an appropriate medical professional prior to the effective date of the promotion and;

~~7.3.3-6.3.3.~~ The available assignment is in the rank in which the promotional vacancy exists.

~~7.4.6.4.~~ This program shall not be construed as recognition by the City of Portland, the Portland City Council, City management, or City employees or agents, that any employee who participates in the program is a qualified individual with a disability as defined by the Americans with Disabilities Act (ADA) or 1990 or state law.

~~7.5.6.5.~~ If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform ~~his or her~~their supervisor, ~~or the Bureau's Personnel Manager, or a person in a responsible management position,~~ Division that the member believes a disability under the ADA exists, and reasonable accommodation is necessary to perform the essential functions of ~~his or her~~their job. The City ADA process and forms are required and can be found on line at the City's website.

~~HISTORY~~

- ~~• Established: November, 2007~~
- ~~• Revision #1: 04/29/13~~
- ~~• Next Review Date: 04/29/15~~

~~Provide Feedback.~~

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 01, 2021 10:28:13 AM
Last Modified: Monday, March 01, 2021 10:30:59 AM
Time Spent: 00:02:46

Page 1

Q1

Please provide feedback for this directive

The Portland Police Bureau is a danger to the Portland community. Stay off our streets you fucking worthless pigs.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **ACAB**

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 01, 2021 11:10:04 AM
Last Modified: Monday, March 01, 2021 11:12:14 AM
Time Spent: 00:02:09

Page 1

Q1

Please provide feedback for this directive

This directive is silent, or excludes consideration for the retire/rehires and non-sworn who do not report to FPDR. It is written in a language that really only refers to sworn members, but we have plenty of retire/rehires who have been injured. I'm also thinking about the PSSS folks who may be injured on or off duty who may still be able to take reports over the phone but may not be suited to drive around town.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 01, 2021 6:50:16 PM
Last Modified: Monday, March 01, 2021 6:50:49 PM
Time Spent: 00:00:33

Page 1

Q1

Please provide feedback for this directive

0415.00

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 01, 2021 6:51:02 PM
Last Modified: Monday, March 01, 2021 6:52:23 PM
Time Spent: 00:01:21

Page 1

Q1

Please provide feedback for this directive

0415.00 typos. Section 3.1 last sentence reads 'whole', should read 'whose'. Section 8 title reads 'fully', should read 'full'.

Q2

Respondent skipped this question

Contact Information (optional - your name will be visible on PPB's website)

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, March 02, 2021 7:06:23 AM
Last Modified: Tuesday, March 02, 2021 7:44:27 AM
Time Spent: 00:38:03

Page 1

Q1

Please provide feedback for this directive

- 4.1 omit last clause because it has no actual meaning “and the disability and/or restrictions are a result of either a service or non-service connected incident”
 - 4.2 “through channels” is not describing anything, omit
 - 4.3 “qualified medical professional” might not be necessary in all cases of pregnancy, and I encourage a careful reworking of this idea.
 - 5.1 The SOP is already clearly outlined here, so why is Personnel being given a blank check to re-write these at will?
 - 6.1 “probationary member” can include those who are on “written performance improvement” (as referred to in 7.4.3-4). That makes this section appear to be an indefinite extension of duty loophole for those on disciplinary action.
 - 7.1.4 This section is in conflict with Section 4.1, where modified duty is clearly outlined as by member request only. This implies that modified duty can be offered without member seeking it, which allows the department to pressure a member into taking early FMLA or facing disciplinary action. Again, very concerning for cases of pregnancy.
 - 7.3.1 Again, an option for Personnel to disregard this entire directive.
 - 7.4.2 an important aside, ought to be referred to earlier or more clearly
 - 8.1 again, sometimes a medical professional is not involved in the decision to modify duty, especially when speaking of pregnancy specifics.
-

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **M. Skinner**

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 08, 2021 2:05:06 PM
Last Modified: Monday, March 08, 2021 2:15:11 PM
Time Spent: 00:10:05

Page 1

Q1

Please provide feedback for this directive

Under 7.1.4. it talks about disciplinary action or ineligibility of disability benefits. Just wondering if there is an appeal process or who can the member appeal the decision of FPDR's or Risk Management. It was not stated anywhere.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Robbie Noche**

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 15, 2021 1:05:19 PM
Last Modified: Monday, March 15, 2021 1:05:40 PM
Time Spent: 00:00:21

Page 1

Q1

Please provide feedback for this directive

OSU should be the initial point of contact, responsible for the work contract and all point of contact for all paperwork so that there is no confusion. For members who are on limited duty should be supervised by a single shift sworn member who can properly supervise. For example, if the member is assigned to TRU but working at a precinct taking calls, the member should show on the CAD for the specific precinct that the responsible supervisor is monitoring. That member's time should properly be accounted for and their work product should be held to the same standard that non limited duty officers have.

Members who have specific abilities or who have been assigned to specific tasks should be supervised by the sworn sergeant who has requested their assistance. For example, hit and run follow up should fall under the TIU sergeant and SERT administrative duties should fall under the SERT sergeant.

The main purpose of this statement is to one, keep administrative sergeant duties such as paperwork and contracts, consistently handled by one supervisor and two to keep a high level of work standards and the level of oversight consistent for all members.

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name **Central Precinct**
