

September 28, 2023

TO: County Personnel Policy Board Members

SUBJECT: Personnel Policy Board Meeting
Thursday, October 5, 2023
1:30 p.m., Commissioners Hearing Room
County-City Building, Room 112

A G E N D A

ITEM 1: Approval of Minutes from the September 7, 2023 meeting.

ITEM 2: Request to revise the following classification:

<u>CLASS</u>	
<u>CODE</u>	<u>CLASS TITLE</u>
4735	Building Cleaner Manager (C09)

ITEM 3: Request to revise and change the pay grade of the following classifications:

<u>CLASS</u>		<u>CURRENT</u>	<u>NEW</u>
<u>CODE</u>	<u>CLASS TITLE</u>	<u>PAY GRADE</u>	<u>PAY GRADE</u>
5300	Security Guard	C06 (\$46,354.88 - \$59,373.60)	C09 (\$51,542.40 - \$66,023.36)
5301	Security Guard Supervisor	C09 (\$51,542.40 - \$66,023.36)	C12 (\$57,312.32 - 73,409.44)

ITEM 4: Decision of grievance hearing FOP #32 – On behalf of all bargaining unit members impacted – Modified Duty Program - Corrections.

ITEM 5: Miscellaneous Discussion

pc: Barb McIntyre
Matt Hansen
Kristy Bauer
Tom McCarty
Ashley Bohnet
Terry Wagner
Benjamin Houchin
Kerin Peterson

LANCASTER COUNTY BUILDING CLEANER MANAGER

NATURE OF WORK

This is supervisory work scheduling, coordinating and supervising cleaning personnel and equipment across multiple building sites.

Work involves coordinating personnel work schedules within and between building sites, overseeing subordinate supervisory, technical and cleaning staff, performing minor equipment maintenance and arranging for equipment maintenance and repair as needed. Work also involves interviewing applicants, making hiring recommendations and organizing/providing training for new personnel. Supervision is exercised over Cleaning Supervisors, Cleaning Equipment Operators and Building Cleaners as assigned. Supervision is received from an administrative superior with work reviewed in the form of reports and results achieved.

EXAMPLES OF WORK PERFORMED

Develop and coordinate staff work schedules for cleaning activities in all designated properties under the management of the Public Building Commission; train, supervise and evaluate subordinate cleaning personnel; interview applicants, make hiring recommendations and organize training for new staff; inspect staff work to ensure proper cleaning techniques, obtain regular feedback from staff, utilization of equipment and supplies and appropriate time management.

Obtain and follow-up on feedback from our customerseleaning complaints by building occupants; assign special work crews to handle emergency situations or special clean-ups; ensure building security is maintained by cleaning personnel through continued communication, staff training and periodic on-site checks.

Perform minor equipment maintenance as needed; schedule and arrange for routine cleaning equipment maintenance and repair; prepare budget estimates as requested; approve and monitor purchase requests for equipment and supplies; evaluate new cleaning products; oversee designated building site cleaning supply and material inventories.

Coordinate cleaning projects due to facility moves or building acquisitions; obtain information and feedback regarding cleaning needs and staff performance from departmental personnel; schedule vendor meetings; ensure chemical warnings and protective gear are posted/available to all staff as required by State and Federal guidelines.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of building cleaning maintenance and staffing needs.

Considerable knowledge of the operation and maintenance of industrial cleaning equipment.

Knowledge of various and effective cleaning methods, techniques and materials as well as precautionary measures and safety requirements.

Knowledge of budget estimates, preparation and monitoring techniques.

Ability to schedule, train, supervise and evaluate the work of subordinate personnel.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with co-workers, departmental staff, security personnel and the general public.

Ability to make operational decisions in response to changing conditions and in emergencies.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent including two years of experience in commercial custodial, institutional custodial or housekeeping work and two years of experience in supervising cleaning personnel or any equivalent combination of training and experience that provides the desirable knowledge, abilities, and skills.

NECESSARY SPECIAL REQUIREMENT

Possession of a valid driver's license when operating a County vehicle is required.

10/23/12

PS4735

LANCASTER COUNTY SECURITY GUARD

NATURE OF WORK

This is responsible security enforcement work monitoring and screening individuals entering and leaving the Justice Center, County-City Building and 605 Building.

Work involves screening persons and packages/personal items entering the building using a variety of detection methods and devices; providing information and responding to questions from the general public; and assisting with emergency operations and emergency medical situations as needed. Individuals within this classification may be subject to an element of personal danger and must be able to act independently ~~will be expected to exercise personal initiative and independent exercise~~ discretion in meeting emergencies, the performance of routine duties. Work includes performing patrol duties of the three-building campus and enforcing applicable laws and policies adopted by the Public Building Commission. Assignments may include assisting in the apprehension, detention, and transportation of law violators and/or prisoners of the Lancaster County Sheriff. Work is performed under the general supervision of an administrative superior with work reviewed in the form of reports, inspections and compliance with departmental, local, State and Federal statutes and regulations.

EXAMPLES OF WORK PERFORMED

Monitor entrance/exit positions and conduct screenings of incoming individuals, packages and personal items using X-ray scanners, metal detectors, camera systems, visual detection and other approved security practices; detect and confiscate all weapons, contraband or suspicious items; detain or arrest individuals as provided by Nebraska Revised Statutes 29-401 and process them accordingly; conduct building inspections to ensure ongoing facility security.

Provide information and respond to questions from individuals accessing the Justice Center, County-City Building and 605 Building; assist employees and the public in locating appropriate areas within the facility; prepare and distribute required duty forms and reports.

Render first-aid assistance and summon medical personnel to the ~~Justice Center~~ when appropriate; provide assistance and direction during potential or actual emergency situations including natural (fire, tornado) and contrived (bomb threat, disturbance or riot) crises.

Monitor and respond to panic alarms and emergency calls for service within the Justice Center, County-City Building and 605 Building.

Assist in providing prisoner transport and courtroom security, as assigned.

Provide armed security for special events and meetings within the three-building campus including sequestered juries, adoption events, and other city and county governing board meetings.

Monitor surveillance camera system and access control system for compliance of restricted areas.

Verify arrest warrants and review information on wanted persons; serve civil process including subpoena, garnishment, and summons as assigned.

Secure property and escort individuals with any weapon released by the LPD Property Unit discreetly out of the building; ensure a safe transition back to the rightful owner.

Identify individuals that may pose a threat to the three-building campus; employ appropriate threat assessment tools to dictate mission response procedure.

Monitor, send, and receive radio transmissions on appropriate channels and platforms.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge of City ordinances, State of Nebraska statutes and Federal laws concerning criminal law enforcement.

Knowledge of law enforcement and judicial functions and systems.

Knowledge of function, operation, and care of firearms.

Knowledge and understanding of Title 180, Control of Radiation.

Ability to deal fairly, objectively, and courteously with the general public without regard to race, ethnicity, religion, or political belief.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with law enforcement personnel, co-workers and the general public.

Ability to analyze people and situations quickly and to take an effective and reasonable course of action, including using tact and minimal force when interacting with a disruptive or combative person.

Ability to write clear and comprehensive reports using proper spelling and grammar.

Ability to apply manual restraints and to physically restrain prisoners as needed.

~~Ability to use tact and minimal force when interacting with a disruptive or combative person.~~

Ability to visually detect weapons, contraband and suspicious items and confiscate same in professional and safe manner.

Skill in the operation of security scanning and detection devices.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent plus six months of experience in law enforcement or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid driver's license is required when operating a vehicle in the performance of assigned duties.

Must successfully complete a local and national level security clearance review.

Must successfully participate and complete all required defensive tactics, CPR and first-aid training.

Must successfully complete and maintain required firearms certification.

Must submit and successfully pass a psychological evaluation, physical examination, and polygraph examination to adhere with Nebraska Law Enforcement Training Center standards.

10/2010/23

PS5300

LANCASTER COUNTY SECURITY GUARD SUPERVISOR

NATURE OF WORK

This is responsible supervision work in the security enforcement, monitoring and screening individuals entering and leaving the Justice Center, County-City Building, and 605 Building.

Work involves screening persons and packages/personal items entering the building using a variety of detection methods and devices; providing information and responding to questions from the general public; and assisting with emergency operations and emergency medical situations as needed. Work also involves planning, organizing, and evaluating the work performed by subordinate personnel, coordinating workflow, and reporting structures, and the development and administration of operating policies and procedures of the Court Services Division and the Lancaster County Sheriff's Office. Individuals within this classification ~~will be~~ may be subject to an element of personal danger and must be able to act independently and expected to exercise discretion in meeting emergencies. Work includes performing patrol duties of the three-building campus and enforcing coordinating the apprehension, detention, and transportation of law violators and/or prisoners of the Lancaster County Sheriff. ~~exercise personal initiative and independent discretion in the performance of routine duties. Supervision is exercised over subordinate security personnel.~~ Work is performed under the general supervision of an administrative superior with work reviewed in the form of reports, inspections and compliance with departmental, local, State and Federal statutes and regulations.

EXAMPLES OF WORK PERFORMED

Act as the lead security ~~officer and point of contact in the guard in the~~ City-County Ssecurity plan within the three-building campus; perform threat assessments to determine security staffing levels of those events; prepare reports and present security solutions to the Public Building Commission and Court Services Commander. ~~Operation.~~

Supervise, direct, assign and evaluate the work of Security Guards; plan and assign work of subordinate personnel.

Act as primary Field Training Officer for newly hired security guards and ensure that appropriate in-service training courses are available and completed by subordinates in order to comply with Nebraska Law Enforcement Training Center (NLETC) and Court Services Division Commander's standards.

Monitor entrance/exit positions and conduct screenings of incoming individuals, packages and personal items using X-ray scanners, metal detectors, visual detection and other approved security practices; detect and confiscate all weapons, contraband or suspicious items; detain or arrest individuals as provided by Nebraska Revised Statutes 29-401 and process accordingly; conduct building inspections to ensure ongoing facility security.

Provide information and respond to questions from individuals accessing the Justice Center; City-County Building, and 605 Building; assist employees and the public in locating appropriate areas within the facility; prepare and distribute required duty forms and reports.

Render first-aid assistance and summon medical personnel to the ~~three-building campus Justice Center; –when appropriate;~~ provide assistance and direction during potential or actual emergency situations including natural (fire, tornado) and contrived (bomb threat, disturbance or riot) crises.

Monitor, assign personnel, and respond to panic alarms and emergency calls for service within the Justice Center, County-City Building, and 605 Building.

Assist in providing prisoner transport and extradition duties. ~~–courtroom security,~~ as assigned.

Monitor surveillance camera system and access control system for compliance of restricted areas and to broadcast critical information during emergency situations.

Secure property and escort individuals with any weapon released by the LPD Property Unit discreetly out of the building; ensure a safe transition back to the rightful owner.

Identify individuals that may pose a threat to the three-building campus and employ threat assessment tools to create an appropriate mission response and assign personnel as necessary.

DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Knowledge of City ordinances, State of Nebraska statutes and Federal laws concerning criminal law enforcement.

Knowledge of law enforcement and judicial functions and systems.

Knowledge of the function, operation, and care of firearms.

Knowledge and understanding of Title 180, Control of Radiation.

Ability to deal fairly, objectively, and courteously with the general public without regard to race, ethnicity, religion, or political belief.

Ability to communicate effectively both orally and in writing.

Ability to establish and maintain effective working relationships with law enforcement personnel, co-workers and the general public.

Ability to analyze people and situations quickly and to take an effective and reasonable course of action, including using tact and minimal force when interacting with a disruptive or combative person.

~~Ability to use tact and minimal force when interacting with a disruptive or combative person.~~

Ability to plan, assign and evaluate work of subordinate security staff.

Ability to visually detect weapons, contraband and suspicious items and confiscate same in professional and safe manner.

Ability to write clear and comprehensive reports using proper spelling and grammar.

Ability to apply manual restraints and to physically restrain prisoners as needed.

Skill in the operation of security scanning and detection devices.

MINIMUM QUALIFICATIONS

Graduation from high school or equivalent plus two years ~~six months~~ of experience in law enforcement or any equivalent combination of training and experience that provides the desirable knowledge, abilities and skills.

NECESSARY SPECIAL REQUIREMENTS

Possession of a valid driver's license is required when operating a vehicle in the performance of assigned duties.

Must possess Nebraska Law Enforcement Certification.

Must successfully complete a local and national level security clearance review.

Must successfully participate and complete all required defensive tactics, CPR and first-aid training.

Must successfully complete and maintain required firearms certification.

Must submit and successfully pass a psychological evaluation, physical examination, and polygraph examination to adhere with Nebraska Law Enforcement Training Center standards.

11/12/23

PS5301

KEATING | O'GARA

Gary J. Nedved

Joel D. Nelson

Brenna M. Grasz

OF COUNSEL:

Paul J. Peter

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EMERITI:

Jefferson Downing

Tara L. Gardner-Williams

Milissa D. Johnson-Wiles

Con M. Keating

Gary L. Young

Robert M. O'Gara

May 8, 2023

Barb McIntyre
Lancaster County Human Resources Director
555 South 10th Street
Lincoln, NE 68508
bmcintyre@lincoln.ne.gov

RE: FOP #32 Appeal of Grievance Denial

Dear Ms. McIntyre:

On April 18, 2023, FOP #32 filed a grievance on regarding the County's implementation of a new Modified Duty Program. A true and correct copy of the Grievance is attached hereto. On or about May 8, 2023, Director Brad Johnson denied the grievance. A true and correct copy of Director Johnson's Grievance denial is attached hereto. Director Johnson's denial does not challenge the underlying facts alleged in the Grievance.

FOP #32 hereby appeals Director Johnson's denial of said Grievance to the Lancaster County Personnel Policy Board in accordance with Step 2 of the grievance procedure set forth in the bargaining agreement between FOP #32 and Lancaster County and the Lancaster County Personnel Rules.

Very truly yours,

/s/Thomas P. McCarty

Thomas P. McCarty

FOR THE FIRM

CC: Ashley Bohnet, Deputy Lancaster County Attorney

Lancaster County

Department of Corrections

3801 West O Street
Lincoln, NE 68528
(402) 441-1900
Fax: 441-8946

Brad Johnson, Director

May 8, 2023

Tom McCarty
Keating, O'Gara, Nedved & Peter, P.C.
200 S. 21st Street, Suite 400
Lincoln, NE 68510

RE: IN RE GRIEVANCE OF FOP 32

Dear Mr. McCarty:

This letter will serve as a response to the grievance received April 18, 2023, regarding an alleged violation of Personnel Policy Bulletin 2013-4.

Personnel Policy Bulletin 2013-4 is a bulletin involving Worker's Compensation. This is a bulletin that provides a department, based upon operational needs and at the department head's discretion, may offer modified duty to status and probationary employees who have suffered a work-related injury.

On March 22, 2023, a grievance involving Lynn Kemper was heard by the Personnel Policy Board. In that matter, the Board held that Officer Kemper should have been permitted to work modified duty. FOP 32 requested that the Board rule non-work-related injuries could not work modified duty, but the Board declined to issue that ruling.

On April 11, 2023, the Department issued a modified duty plan consistent with Personnel Policy Bulletin 2013-4 as well as the decision made by the Personnel Policy Board. The Department has not violated Personnel Policy Bulletin 2013-4. For these reasons, the grievance is denied.

Sincerely,



Brad Johnson
Corrections Director

cc: Barb McIntyre, Human Resources Director
Ashley J. Bohnet, Deputy County Attorney

IN RE GRIEVANCE OF FOP 32 ON BEHALF) April 18, 2023
OF ALL BARGAINING UNIT MEMBERS)
)

TO: Brad Johnson, or his designated representative
FROM: Fraternal Order of Police Lodge #32, on behalf of all bargaining unit
members impacted

COMES NOW Fraternal Order of Police Lodge #32 on behalf of all bargaining unit members affected, and for its grievance states as follows:

NATURE OF GRIEVANCE AND ACTS OF COMMISSION OR OMISSION GRIEVED:

During negotiations for the 2018 bargaining agreement between FOP #32 and the County, the County requested, for the first time, to implement a Modified Duty Program at the Lancaster County Department of Corrections. Those present at the bargaining table for the County included Doug McDaniel, Kristy Bauer, Brad Johnson, and Ken Prey. The County's proposal was to implement the Modified Duty Program contained within Personnel Policy Bulletin 2013-4 at the jail. Personnel Policy Bulletin 2013-4, which was provided to the Union during negotiations, is a Worker's Compensation Policy that expressly applies solely to injuries "arising out of and in the course of . . . employment." Under Paragraph III of the Bulletin, "Modified Duty will be allowed *only as specified in Paragraph VII herein.*" (emphasis added). Paragraph VII then states, "A department . . . may offer modified duty to status and probationary employees *who have suffered a work related injury.*" (emphasis added). Thus, the Bulletin expressly limits modified duty assignments to work-related injuries.

Furthermore, the County's August 9, 2018, written proposal to implement a Modified Duty Program at the Department of Corrections, which was accepted by FOP #32, expressly stated: "Modified Duty Program pursuant to section VII of Workers' Compensation Personnel Policy Bulletin (2013-4) to be effective September 1, 2018 **for new worker's compensation injuries only.**" The County offers its assurance the employee will not be forced off their assigned shift."

During negotiations, the County rejected the Union's requests to reference or place the Bulletin in the bargaining agreement. When counsel for the Union expressed concern about this, Mr. McDaniel explained the County simply did not want to make the contract unnecessarily lengthy. When the Union expressed concern that the County would later attempt to unilaterally change the policy without bargaining, both Director Johnson and Ms. Bauer dismissed those concerns, asserting that the Director Johnson was willing to work with the Union if any changes needed to be made to the policy (through LMC meetings or otherwise). Later, Mr. McDaniel reassured that any changes to the Modified Duty Program would also need to be presented to the Personnel Policy Board because the Program was contained in a Personnel Policy Bulletin. Based on these repeated assurances, the Union took the County, Director Johnson, Ms. Bauer, and Mr. McDaniel at their word. After that date, the bargaining agreement was ratified and the Modified Duty Program was implemented at the Department of Corrections. Until sometime in 2022, the Department, in accordance with the Bulletin, reserved modified duty positions solely for work-related injuries. The County has never attempted to negotiate any changes to the Bulletin—during LMC meetings or at negotiations for the most recent bargaining agreement—and it has never attempted to petition the Personnel Policy Board to change the language of the Bulletin.

Beginning in July 2022, the Department began offering the Modified Duty Program to employees who suffered non-work-related injuries, which resulted in such employees receiving Modified Duty assignments instead of employees with work-related injuries. FOP #32 filed a grievance on behalf of one of those employees with a work-related injury, Lynn Kemper, which was heard before the Lancaster County Personnel Policy Board on March 22, 2023. At the conclusion of that hearing, the Board unanimously concluded that the County's promises on the audio recordings referenced above were clear, and that Lynn Kemper should not have been denied a Modified Duty position in favor of an employee with non-work-related injuries. The Board ordered the Department to give Kemper back all leave he used during the period he was barred from working Modified Duty.

After the Board hearing on March 22, 2023, Director Brad Johnson informed FOP #32 President Dan Goodman that the County would be contacting FOP #32 to discuss how the Modified Duty Program would operate going forward. The County did not do so, however.

Instead, without bargaining with FOP #32 or requesting a change to Personnel Policy Bulletin 2013-4, the Department sent all employees an email on April 10, 2023, announcing the development of a new "modified duty program," and attached a new Modified Duty Program to the email. (See attached). The Department noted that it had been working "closely with the Lincoln/Lancaster County Human Resources and the County Attorney's office" (but not FOP #32) to develop the Program. Director Johnson also noted that "individuals currently working a modified duty assignment will continue under the prior modified duty program."

Under the new "Modified Duty Program," modified duty is available for non-work-related injuries, and worker's compensation injuries are not given preference or priority over non-work-related injuries. Employees are instead given priority based upon the chronological order in which they were added to the modified duty list. The Department deemed the new Program effective April 11, 2023.

The Department has again unilaterally changed the Modified Duty Program it expressly agreed to implement at the Department of Corrections, and the new Program violates Personnel Policy Bulletin 2013-4 as well as the promises the County previously made to FOP #32. The Department has also disregarded the binding order of the Personnel Policy Board in the Kemper grievance.

DATE OF ACTION GRIEVED: FOP #32 became aware of this action on or about April 10, 2023.

IDENTITY OF GRIEVING PARTIES: FOP #32 on behalf of all affected unit members.

IDENTITY OF PERSONS ALLEGED TO HAVE CAUSED GRIEVANCE: Brad Johnson, Barb McIntyre, County Human Resources personnel, and other unknown persons.

PROVISIONS OF AGREEMENT, COUNTY POLICY, OR CONDITIONS OF EMPLOYMENT THAT WERE VIOLATED:

Personnel Policy Bulletin 2013-4, which is incorporated into and made part of the Lancaster County Personnel Rules under Rule 2.7, as well as the County's express, contractual promises made to FOP #32 during negotiations. The Department has also disregarded the "binding" nature of the Personnel Policy Board's decision regarding Lynn Kemper's grievance, in violation of FOP #32 contract Article 8, Section 1 and Personnel Rule 12.2(e).

REMEDY SOUGHT:

The Department shall rescind its Modified Duty Program due to failure to negotiate with FOP #32 in violation of its promise to do so; the Department shall also rescind those aspects of the Modified Duty Program that are inconsistent with Personnel Policy Bulletin 2013-4, including but not limited to basing eligibility for the Program on chronological order instead of whether the injury is work-related. The Department shall place all employees with work-related injuries in the same position they would have been in had they been given preference over employees with non-work-related injuries. The Department shall cease and desist from continuing to violate Personnel Policy Bulletin 2013-4 and its express promises to FOP #32. The Personnel Policy Board and Department shall also afford Grievant and its bargaining unit members such other relief the Board deems just under the circumstances.

Respectfully submitted this 18th day of April, 2023.

FOP #32, on behalf of its all affected members of the bargaining unit.

BY: /s/Thomas P. McCarty
Thomas P. McCarty, Esq. (#24171)
Keating, O'Gara, Nedved & Peter, P.C.
530 South 13th Street, Suite 100
Lincoln, NE 68508
Ph: (402) 475-8230
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Attorney for the Grievant

From: Bradley L. Johnson <bjohnson@lanaster.ne.gov>

Sent: Monday, April 10, 2023 3:22 PM

To: Corrections Officers <CorrectionsOfficers@lanaster.ne.gov>

Cc: Elisha R. Havick <EHavick@lanaster.ne.gov>; Kendra K. Knauss <KKnauss@lanaster.ne.gov>; Rick C. Gray <rgray@lanaster.ne.gov>; Kenneth L. Prey <KPrey@lanaster.ne.gov>; Barb D. McIntyre <BMcIntyre@lincoln.ne.gov>; Ashley J. Bohnet <ABohnet@lanaster.ne.gov>; Corrections Sergeants <CorrectionsSergeants@lanaster.ne.gov>; Corrections Lieutenants <CorrectionsLieutenants@lanaster.ne.gov>

Subject: Modified duty

The Department has been working closely with the Lincoln/Lancaster County Human Resources and the County Attorney's office to develop a modified duty program that will best fit the operational needs of the Department at this time. I have attached the outline for the modified duty program that will take effect tomorrow.

Those individuals currently working a modified duty assignment will continue under the prior modified duty program.

Sincerely,

Brad Johnson
Director
Lancaster County Department of Corrections



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MODIFIED DUTY:

- The Department of Corrections has reviewed the operational needs for the modified duty program. Based on the cost of the modified duty program as well as the minimal amount of actionable information it has provided in the last nine months, there is not a compelling operational need for the size of the current program.
- Modified duty will remain a component of employment at the Department of Corrections. Modified duty may include but is not limited to listening to jail phone calls, reviewing inmate visits, filing and/or scanning documents and other duties compatible with an individual's medical restrictions at the discretion of the Director.
 - Modified duty will no longer be a set number of full-time slots.
 - A modified duty eligibility list will be established and maintained by the department.
 - When the Director determines there is an operational need for modified duty, the Department of Corrections will contact the appropriate individual at least 24 hours prior to the need for the modified duty.
 - Modified duty will be completed during the hours of the individual's regularly scheduled hours.
 - Individuals completing modified duty will dress in accordance with Policy 2.8 "Employee Dress and Grooming".
- Individuals qualified for modified duty.
 - The maximum amount of time an employee can utilize modified duty is six calendar months from the date of injury.
 - Individuals on Worker's Compensation status will be considered for modified duty status.
 - In order to be considered for modified duty status under Worker's Compensation, the department must receive a completed "Physician Visit" form that states the individual is unable to perform the essential duties of his/her current position but is able to work a modified duty assignment.
 - If an individual is on Worker's Compensation and FMLA status and is for some reason unable to work the modified duty, the individual will have to take the appropriate accrued leave.
 - When an individual on Worker's Compensation status has exhausted their FMLA eligibility and has exhausted all appropriate leave balances is tasked with completing a modified duty assignment, they are required to report for modified duty.
 - Individuals who have qualified as having a disability under the Americans with Disabilities Act (ADA) will be considered for modified duty status.
 - In order to be considered for modified duty status under ADA, the individual must complete the ADA form and qualify as having a disability and be unable to perform the essential functions of his or her job but is able to work a modified duty assignment.
- Modified duty list placement.
 - Qualifying individuals will be placed chronologically on a modified duty list.
 - The order of placement on the modified duty list will be determined by the date that all required documentation provided by the medical provider indicating that the individual is unable to perform the essential duties of his/her current position but is able to work a modified duty assignment is received by the County.
- This change to the program will be effective starting April 11, 2023.