

## **TEMPORARY MODIFIED ASSIGNMENT POLICY**

### **Purpose**

It is the policy of the Judiciary of Guam (“Judiciary”) to accommodate, to the best of its ability by engaging in an interactive process, employees who have a temporary disability and require modified assignments, while ensuring operational needs are met.

### **Who is Covered?**

All regular classified, unclassified, and limited-term appointment employees as well as judicial officers are covered by this policy.

If a disability, impairment, or medical condition is determined to be permanent, the employee is not eligible for a Temporary Modified Assignment.

### **What is Temporary Modified Assignment?**

Temporary Modified Assignment is for a specified and limited period and fulfills a necessary job function, appropriate to the employee’s skills and level of experience as determined by the Employer, and which the employee can perform without violating any medical restriction imposed as a result of a temporary disability, sickness or injury, for which the employee is compensated at his or her regular base pay.

When possible, Temporary Modified Assignments will be made available to workers with a disability, impairment, or medical condition to minimize or eliminate time lost from work. The Judiciary cannot guarantee a Temporary Modified Assignment and is not obligated to offer, create, or encumber any specific position for purposes of offering placement to such a position.

The number, availability, and duration of Temporary Modified Assignments are limited by operational needs as defined by the Administrator of the Courts, Division Manager, or their designee.

### **Temporary Modified Assignment for Temporarily Disabled Employees**

Employees are reminded that it is their responsibility to inform the supervisor/division manager and the Human Resources Office of any condition or impairment which may affect their ability to perform their regular job duties. This policy is designed to provide guidelines for the treatment of any employee who, because of a temporary physical or mental disability resulting from an injury or illness, temporarily cannot perform the duties normally assigned to the job. All requests for Temporary Modified Assignments will be handled on a case-by-case basis and at the discretion of the Administrator of the Courts or his/her designee.

A Judiciary employee who would like to request a Temporary Modified Assignment should complete an Accommodation Request Form and request their Job Standard, Employee Consent and Authorization to Release Medical Information, and Medical Inquiry forms to provide them to the Health Care Provider for completion. Law Enforcement Officers should request for the Fitness For Duty – Medical Examination Form (#JOG/HR-SME01). All completed forms must be returned to the Human Resources Office for review. The Human Resources Office will

consult with the division manager, Administrator of the Courts or their designee for determination of the Temporary Modified Assignment.

It is the responsibility of the employee to notify his or her supervisor/Division Manager and the Human Resources Office of any and all changes in medical restrictions.

The Administrator of the Courts, in coordination with the Human Resources Office, after engaging in the interactive process, shall assign the employee to a Temporary Modified Assignment if an appropriate assignment is available, and instruct the employee where and when to report for work. These assignments need not be identified in advance, but will be determined by the needs of the Judiciary.

Length of time for Temporary Modified Assignment shall be for a maximum of ten (10) months. There is no minimum length of time for a Temporary Modified Assignment.

The length of time a probationary employee is on Temporary Modified Assignment will not be counted toward the completion of the probationary period.

If no Temporary Modified Assignment is available in the employee's division or office with the work restrictions stipulated by the health care provider, or the Temporary Modified Assignment has ended, the employee may be placed in the appropriate leave status.

While under the Temporary Modified Assignment, the employee will be paid at his or her regular base pay.

#### **Placement of Permanently Disabled Employees**

Once an employee is determined to be unable to return to his or her regular position, the employee is responsible for informing the Human Resources Office.

The Judiciary will do its best to accommodate permanently disabled employees by first trying to find alternate permanent placement in another position within the Judiciary. If such other placement is unavailable or the employee refuses such placement, the Judiciary may pursue termination procedures in accordance with applicable policies and rules.

#### **Coordination with Other Judiciary Policies**

This policy supersedes Rule 7.40 of the Judiciary's Personnel Rules and Regulations and Section XII of the Performance Rating Guide. It is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation or covered under the Americans with Disabilities Act ("ADA"), ADA Amendments Act ("ADAA") or leave benefits under the Family and Medical Leave Act ("FMLA").

Inquiries about the ADA, ADAA, or FMLA should be directed to the Human Resources Office.

#### **Delegation of Authority**

The Judicial Council expressly delegates authority to the Administrator of the Courts or his/her designee to make technical and minor substantive changes to this policy at his/her discretion.