

ATTACHMENT 25



**State Police Executive
Memos 09-15, 09-17
RFP Entitled:
“Dispute Resolution Program”**

Executive Memorandum 2009		EM #09-17
Subject:	Modified Duty	Issued: 05-19-09
From:	Deputy Superintendent Francis P. Christensen, Employee Relations	
Attn:	All Members	
<p>*Reference Executive Memorandum #09-17, Heightened Risk/Modified Duty, Issued 05/08/09.</p> <p>On April 2, 2009, the New York State Police and the Police Benevolent Association of the New York State Troopers, Inc., (PBA), signed a Memorandum of Agreement covering both the Troopers' Unit and the Supervisors' Unit of the PBA delineating the terms and conditions of a Heightened Risk Disability Benefit and Modified Duty Policy. On May 6, 2009, the Division signed an identical agreement with the New York State Police Investigators Association covering Investigators and Senior Investigators. The Superintendent has also extended the Modified Duty Program to Members of the Division who are designated as Management Confidential.</p> <p>As a result, all sworn Members of the State Police are eligible for assignment to modified duty if qualified as a result of an off-duty or on-duty injury/illness.</p> <p>When a Member's degree of disability is classified as fifty percent (50%) or less (mildly or moderately disabled), the Member may qualify for an assignment to modified duty. The Division will use the information provided on this form to design a modified duty assignment that is consistent with the Member's physical limitations and capabilities. If a Member is determined to be fifty percent (50%) or less disabled by a State Insurance Fund Physician, the State Insurance Fund Physician will complete the Estimated Physical Capabilities Form (Pers. 51) and will forward it with a narrative report to the Division Physician for review. If a Member is requesting assignment to the Modified Duty Program based on a determination by the Member's attending physician that the Member is fifty percent (50%) or less disabled, a completed Estimated Physical Capabilities Form (Pers. 51) should accompany the Member's memorandum requesting assignment to modified duty for review by the Division Physician.</p> <p>Modified duty assignments will run for the duration of the disability, or ninety (90) calendar days, whichever is less. All modified duty assignments will be reviewed at the end of each assignment period and any approved extension to a subsequent block of modified duty will be subject to the same limitations.</p> <p>While assigned to modified duty, Members will be required to cooperate fully in all aspects of the program. This includes, but shall not be limited to, attendance at scheduled medical appointments and providing relevant medical records or other relevant documentation as required. Failure to cooperate may result in discontinuation of the Member's assignment to modified duty.</p>		

A Member who wishes to contest a degree of disability determination should refer to the Dispute Resolution Program as contained in the above-referenced MOA and the associated Frequently Asked Questions (FAQ)/Instructions document.

The Pers. 51 can be printed from Division Intranet.

Reference Executive Memorandum #09-17, Heightened Risk/Modified Duty, Issued 05/08/09.

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Executive Memorandum 2009		EM #09-15
Subject:	Heightened Risk/Modified Duty	Issued: 05-11-09
From:	Deputy Superintendent Francis P. Christensen, Employee Relations	
To:	All Members	
<p>Division has recently signed Memorandums of Agreement (MOA) with both the Police Benevolent Association (PBA) and New York State Investigators' Association (NYSPIA) that establishes a Heightened Risk Disability Benefit and Modified Duty Policy for all Members.</p> <p>The Heightened Risk Disability Benefit provides a Member who is unable to work due to an on-duty injury or illness, upon a determination by the Superintendent to have resulted from circumstances above and beyond a Member's routine daily duties, with full pay and fringe benefits during the period of absence. These benefits will continue until the Member: 1) receives a New York State Police Accidental Disability Retirement; or 2) becomes eligible for a New York State Police service retirement with full benefits (twenty (20) years of State Police service credit); or 3) reaches his/her applicable mandatory retirement age under New York State Law; or 4) is deemed capable of returning to full and strenuous duty; or 5) refuses a modified duty assignment, whichever occurs first. To apply for this benefit, the affected Member must submit a written request to the Deputy Superintendent of Employee Relations, in accordance with the terms set forth in the MOA.</p> <p>The Modified Duty Policy enables a Member recovering from an on-duty or off-duty illness/injury who is determined to be fifty percent (50%) or less disabled, under specified conditions, to work in a modified duty assignment. A request that a Member be assigned to Modified Duty can be made by either the Member or Division. In addition to expanding Division's previous Modified Duty Policy to include Members of the Troopers' Unit of the PBA, other changes and amendments to the initial agreement have been made and are described in the new MOA.</p> <p>The subject MOAs have been posted on the Division Intranet. All Members should read the MOA that covers their respective bargaining unit in its entirety as there are prerequisites, established qualifying criteria and deadlines associated with both the Heightened Risk Disability Benefit and the Modified Duty Policy. Questions concerning this policy should be referred to Employee Relations at (518) 457-3572.</p>		