

**FAIRFIELD TOWNSHIP  
RESOLUTION NO. 25-47**

**RESOLUTION APPROVING CHANGES TO THE FIRE DEPARTMENT POLICY MANUAL  
FOR FAIRFIELD TOWNSHIP.**

**WHEREAS:** The Fairfield Township Board of Trustees adopted and established the Fire Department Policy Manual; and

**WHEREAS:** It is necessary to ensure the fire department policies and procedures meet all applicable standards and laws; and

**WHEREAS;** The Fire Chief would like to adopt three new policies for the manual, 1032 (Work Related Illness and Injury Reporting), 1033 (Temporary Modified-Duty-Light Duty Assignments) and 1035 (Return to Work); and

**WHEREAS:** The Fairfield Township Board of Trustees believes the attached revised policies are consistent with state law;

**NOW, THEREFORE, BE IT RESOLVED,** by the Trustees of Fairfield Township, Butler County, Ohio, as follows;

**SECTION 1:** The Board of Trustees authorizes the adoption of the Amended Fire Department Policy Manual for Fairfield Township which is attached hereto as Exhibit A.

**SECTION 2:** The Policy shall be kept on file in the Township Offices.

**SECTION 3:** That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

**SECTION 4:** That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

**SECTION 5:** This resolution shall take effect at the earliest period allowed by law.

**Adopted:** March 11, 2025

**Board of Trustees**

Michael Berding: \_\_\_\_\_  
Shannon Hartkemeyer: \_\_\_\_\_  
Joe McAbee: \_\_\_\_\_

**Vote of Trustees:**

yes  
yes  
yes

**AUTHENTICATION**

This is to certify that this is a resolution which was duly passed, and filed with the Fairfield Township Fiscal Officer, this 11<sup>th</sup> day of March, 2025.

**ATTEST:**

Shelly Schultz  
Shelly Schultz, Fairfield Township Fiscal Officer

**APPROVED AS TO FORM:**

Katherine Barbieri  
Katherine Barbieri, Township Law Director



Fairfield Township Fire Department  
6048 Morris Rd Fairfield Twp, OH 45011  
Ryan D Berter, Fire Chief

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To: Kim Lapensee  
From: Ryan Berter, Fire Chief  
Date: 03/05/2025  
Subject: Proposed policy approval

We have finalized three policies that did not exist within the fire department, 1032 Work Related Illness and Injury, 1033 Temporary Modified Duty and 1035 Return to Work.

All three policies are Lexipol generated policies that comply with Federal and State regulations.

The only change to the 3 was 1032.3.1 where we added a line ensuring the members documented the event. This was added to ensure not only reported the event but documented the event as well, ensuring paperwork capturing the details, the addition shows as blue below.

The rest aligned with common practice and were kept intact with no changes.

The three policies were reviewed by Legal and were approved to form.

1032.3.1 MEMBER RESPONSIBILITIES

State MODIFIED

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, [document the the event](#), and shall seek medical care when appropriate.

## Work-Related Illness and Injury Reporting

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of work-related injuries and occupational illnesses.

#### 1032.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related injury or illness** - Injury generally includes injuries received in the course of employment. An injury may include a psychiatric condition arising from a work-related injury or illness, or from being the victim of sexual abuse/misconduct while at work. It would not include an injury or disability incurred in voluntary participation in an employer-sponsored recreation or fitness activity if the member signed a waiver. It would also not include a pre-existing condition unless that pre-existing condition was substantially aggravated by the injury. Illness generally refers to an occupational disease contracted in the course of employment when the employment creates a greater or different degree of risk of contracting the disease than the general public (ORC § 4123.01; ORC § 4123.68).

### 1032.2 POLICY

The Fairfield Township Fire Department will address work-related injuries and occupational illnesses appropriately, and will comply with applicable state workers' compensation requirements (ORC § 4123.01; ORC § 4123.28; OAC § 4123-3-01 et seq.).

### 1032.3 RESPONSIBILITIES

#### 1032.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any work-related injury or occupational illness shall report such event as soon as practicable, but within 24 hours, to a supervisor, [document the the event](#), and shall seek medical care when appropriate.

#### 1032.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury or occupational illness should ensure the member receives medical care as appropriate and should notify the Shift Commander of the reported illness or injury.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded to the Shift Commander promptly. Any related Township-wide injury- or illness-reporting protocol shall also be followed.

#### 1032.3.3 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander who receives a report of a work-related injury or occupational illness should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Fire Chief, the Township's risk management entity, and the

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## Fairfield Township Fire Department Policy Manual

### Work-Related Illness and Injury Reporting

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Administration Deputy Fire Chief to ensure any required reporting is completed as required in the Injury and Illness Prevention Program Policy (OAC § 4167-6-01 et seq.).

#### 1032.3.4 FIRE CHIEF RESPONSIBILITIES

The Fire Chief shall review and forward copies of the report to the township administration. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

#### 1032.3.5 OHIO BUREAU OF WORKERS' COMPENSATION

The Department shall keep a record of all work-related injuries or illnesses resulting in seven days or more of total disability (inability to work) and any work-related death. Within a week after the Department becomes aware of a work-related injury, illness or death a report shall be made in writing to the Ohio Bureau of Workers' Compensation on their approved forms (ORC § 4123.28; OAC § 4123-3-03).

A copy of the report shall be provided to the member or, if applicable, his/her surviving dependents (ORC § 4123.28).

#### 1032.4 OTHER INJURY OR ILLNESS

Injuries and illnesses caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Deputy Fire Chief through the chain of command and a copy sent to the Administration Deputy Fire Chief.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

#### 1032.5 SETTLEMENT OFFERS

When a member sustains a work-related injury or occupational illness that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

##### 1032.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related injury or occupational illness, the member shall provide the Fire Chief with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Fire Chief. The purpose of such notice is to permit the Township to determine whether the offered settlement will affect any claim the Township may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the Township's right of subrogation, while ensuring that the member's right to receive compensation for injuries is not affected.

## Temporary Modified-Duty-Light Duty Assignments

### 1033.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Township rules, or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

### 1033.2 POLICY

Subject to operational considerations, the Fairfield Township Fire Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1033.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Ohio Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury (ORC § 4112.01 et seq.).

No position in the Fairfield Township Fire Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1033.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Deputy Fire Chief or the authorized designee. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.

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## Temporary Modified-Duty-Light Duty Assignments

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- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Deputy Fire Chief will make a recommendation through the chain of command to the Fire Chief regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Fire Chief or the authorized designee shall confer with the township administration or the Township Law Director as appropriate.

### **1033.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Deputy Fire Chief.

#### **1033.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Deputy Fire Chief that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

#### **1033.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of an employee assigned to temporary modified duty.

The responsibilities of supervisors shall include but are not limited to:

- (a) Periodically apprising the Deputy Fire Chief of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Deputy Fire Chief and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

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## Temporary Modified-Duty-Light Duty Assignments

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### **1033.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status.

### **1033.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

#### **1033.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the Township's personnel rules and regulations regarding family and medical care leave.

### **1033.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1033.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

## Return to Work

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the process through which an employee, who has been off work for an extended period of time due to an injury or illness, may return to work.

#### 1035.1.1 DEFINITIONS

Definitions related to this policy include:

**Interactive process** - An informal meeting between employer and employee, designed to identify the precise limitations resulting from a disability and any potential reasonable accommodations that could overcome those limitations and allow the employee to return to work, either in their usual and customary position or some other type of work.

### 1035.2 POLICY

It is the policy of the Fairfield Township Fire Department to assist injured employees, to the extent reasonably practicable, in returning to work as soon as they are medically able to perform meaningful work for the Department.

### 1035.3 EMPLOYEE RESPONSIBILITIES

It is the employee's responsibility to inform the Department of his/her absence and to immediately advise the Department when the employee believes that he/she will be medically released to return to work, with or without restrictions. If practicable, the employee shall provide advance notice of his/her potential return to work and shall provide written medical verification of the clearance and any restrictions.

If an employee has restrictions prescribed by a qualified health care professional, it is the responsibility of the employee to ensure he/she is not performing work that violates any restriction. If the employee believes he/she has been requested or directed to perform work that violates the restrictions, the employee should make a prompt report to the township administration.

### 1035.4 DEPARTMENT RESPONSIBILITIES

The Department will evaluate the employee's request to return to work and the written medical verification, and will consult with the township administration in order to make a determination whether:

- (a) The employee may return to full duty based on the medical verification provided by the employee.
- (b) The employee may return to work to a temporary modified-duty assignment and whether the Department has a need that fits with the employee's restrictions.
- (c) The employee should have a fitness-for-duty evaluation.



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### *Return to Work*

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- (d) The employee has reached a permanent and stationary rating and it is necessary to engage in an interactive process to determine a reasonable accommodation.

The township administration, in consultation with the department representative, should make a recommendation to the Fire Chief or the authorized designee regarding the status of the employee. The township administration should communicate with the employee about plans for the employee to return to work, after consulting with the Fire Chief or the authorized designee.