



## IACP NATIONAL LAW ENFORCEMENT POLICY CENTER

# Temporary Light Duty

### Concepts and Issues Paper

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## I. INTRODUCTION

### A. Purpose of the Document

This paper is designed to accompany the *Model Policy on Temporary Light Duty* established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

### B. Background

Police departments nationwide have traditionally used the limited-duty assignment as a means of accommodating officers who, for various reasons, cannot currently perform the full range of police functions. However, in today's professional and legal climate, the decision to place an officer on light duty may have significant repercussions. Therefore, the light-duty decision must be made according to a written policy that has been drafted with the needs of the specific department in mind. This paper will examine some of the considerations involved in drafting a policy of this type. Examples of language designed to meet these considerations may be found in the *IACP Model Policy on Temporary Light Duty*, which is referred to frequently in this discussion.

*Note:* The *IACP Model Policy on Temporary Light Duty* and the following paper do not address the topic of pregnancy. For discussion on this topic, please refer to the

*IACP Model Policy on Pregnancy.*

The meaning of the term "light duty" may vary from agency to agency, and from one geographical region to another. Equivalent terms used include "limited duty," "inside duty," and "nonhazardous duty." Regardless of the term used, light duty is commonly equated with "desk work," that is, duty on the premises of the police station, as opposed to being "on the street" performing more physically demanding functions. Because of this perception, the term "light duty" is sometimes considered disparaging by police officers. However, if used appropriately, light duty is a legitimate and sometimes necessary aspect of the law enforcement profession. Indeed, some of the tasks commonly regarded as "light duty" are vital police functions, which the department is obligated to perform and without which the "street cop's" job would be impossible.

Light duty may include, but is not necessarily limited to, the following types of assignments:

- Desk assignments, such as station officer or booking officer
- Communications
- Report taking or writing
- Records filing and maintenance
- Lockup or jail duties
- Property room duties
- Technical functions, such as fingerprint processing, photography or breath analysis
- Computer operations
- Courtroom security
- Firearms range
- Vehicle impoundment

These are only examples. Light duty can be any assignment that involves less than the full range of on-the-street activities. In some jurisdictions, light duty may even include a temporary assignment to another agency within the city or county.

### **C. Uses of the Light-Duty Assignment**

The light-duty assignment may be used in a number of ways.

**1. Injury or illness.** Officers who have been injured in the line of duty are often placed on light duty until they are fully recovered and able to return to their original assignments. This is the classic purpose of the light-duty assignment. Convalescence from illnesses and injuries that are not job-related may also involve light-duty assignments.

**2. Other debilitating conditions.** Light duty is sometimes used for personnel who have other conditions that render them temporarily unfit to perform their normal duties. For example, officers with alcohol problems may be assigned to light duty while undergoing rehabilitation, or officers who have developed symptoms of severe stress and need a reduced workload while receiving counseling may be placed on light duty.

**3. Pending administrative or disciplinary action.**

As an alternative to administrative suspension, officers awaiting administrative or disciplinary determinations may be placed on light duty until the hearing date. For example, it may be departmental policy to place an officer on station-house duties after an officer involved shooting, pending the findings of the shooting board.

**4. As a disciplinary measure.** Although it may create serious problems to do so, some agencies may use light-duty assignments as a disciplinary measure. Unfortunately, this use of light duty contributes to the negative perception of such duty found among some officers, and often leads to the filing of grievances or litigation.

**5. Unsuitability for other duties.** Light-duty assignments have sometimes been used as a temporary (or even a permanent) solution to the problem of an employee who is found to be temperamentally unfit or insufficiently skilled to perform more active roles.

**6. Other uses.** Light-duty assignments are used for a variety of other reasons as well, according to the needs of the specific department and/or officer.

### **D. Benefits**

Proper use of the light-duty assignment can be very beneficial for both the officer and the department.

**Benefits to the officer.** In the case of an injured officer, or one who is recovering from an illness, a light-duty assignment may enable the officer to return to work sooner than would otherwise be possible. This will often

benefit the officer professionally, psychologically, and perhaps financially. For such personnel, the therapeutic effects of returning to useful and gainful employment can be significant. Light duty also helps in the strictly medical sense by protecting the officer from reinjury or relapse. Light duty may also make it easier for the officer to comply with medical instructions and restrictions during the recovery period.

**Benefits to the department.** The benefits to the employee can apply equally to the department. Assigning the injured or ill officer to light duty enables the department to utilize the officer in a useful role during convalescence. This avoids the complete loss of the officer's experience and abilities during the recovery period. Further, if limited duty contributes to a more rapid recovery by the officer, disruption of the department's work will be minimized and the financial burden upon the department lessened. Since the risk of reinjury or relapse is reduced by a light-duty assignment, the department is protected against further loss of the officer's services. It also helps protect against possible litigation by the officer or others against the department due to an imprudently early return to duty.

### **E. Problems and Pitfalls**

Unfortunately, use of the light-duty assignment can also create problems for the department—problems that may make the light-duty assignment inappropriate in certain cases. These include the following:

**Cost.** As noted above, using the light-duty assignment may financially benefit the department. However, a prolonged light duty assignment may become a financial disadvantage. This is the case, for example, where a supervisor or other officer in a high-salary bracket is performing simple clerical duties that could be accomplished equally well by an employee in a lower salary bracket. It is also the case where an extra or "make-work" position has been created to accommodate an injured or otherwise temporarily disabled employee.

**Morale.** Prolonged use of an employee in a light-duty assignment can create morale problems for the officer assigned. The officer may become impatient to return to his or her original responsibilities. This is particularly true if the officer perceives the assignment as a negative or punitive personnel action. In addition, the morale of others in the department may be affected if, in their view, the officer on light duty is being allowed to "goof off" while they do the "real" work of the department. This latter result may be particularly severe if the other members of the department feel that the officer was never entitled to light duty. In addition, as with the individual officer, the morale of all personnel may suffer if it appears that the light-duty assignment is used as a punishment or as a means of

sidelining an officer who is awaiting disciplinary or other adverse personnel action.

**Legal concerns.** Usually, the officer concerned will be seeking, or will at least be satisfied with, a light-duty assignment. In those cases, a complaint from the officer is unlikely. However, if an officer is assigned to light duty against his or her will, legal problems may follow. In today's legal climate, any officer assigned to light duty who perceives the assignment in a punitive or negative way is likely to initiate a grievance or other legal action against the department. This underlines the importance of drafting a policy that carefully defines who is eligible and how and when these assignments will be made.

**Inappropriate use of resources.** Placing an officer on light duty may be an inappropriate use of that officer's skills. For example, although it may sometimes be necessary to put an experienced field supervisor to work in the records room filing reports, it is not usually the optimum use of that officer's experience and abilities. Particularly in a small department where there may be no trained replacement available, the efficiency of the department is reduced to some degree by such actions.

## II. PROCEDURES

To minimize the foregoing problems, every department should create an appropriate light-duty policy. What constitutes an appropriate policy for a given department will depend upon many variables, including but not limited to

- the nature of the department or agency
- the type of jurisdiction involved
- the geography and demography of the area
- the laws of the jurisdiction

The following discussion reviews the considerations that are common to the situation and needs of most departments.

### A. Duration

Most light-duty policies specify that the policy applies only to officers whose disabling conditions are temporary. If the department desires to impose this limitation on light-duty assignments, this should be made clear in the language of the policy itself. For example, the first section of the IACP Model Policy states that

*It is the purpose of this policy to establish the authority for temporary-duty assignments and procedures for granting temporary light duty to eligible officers and civilian personnel within this agency.<sup>1</sup>*

<sup>1</sup> IACP Model Policy on Temporary Light Duty, Section I. (The IACP Model Policy on Temporary Light Duty is hereafter referred to in this paper as "Model Policy.")

If the department desires to extend light-duty assignments to personnel with permanently disabling conditions, or otherwise assign employees to light duty on an extended or permanent basis, the circumstances under which this may occur should be spelled out in the light-duty policy, or a separate policy dealing with such situations. Policy provisions for permanent light-duty assignments are discussed later in this paper.

### B. Eligibility

The policy should clearly define the conditions that render personnel eligible for light duty.

**Medical conditions.** Many departments desire to limit light duty eligibility to those with disabling medical conditions, i.e., illness or injury. Indeed, some agencies may emphasize this by the language used to identify the policy itself. For example, a department's policy may refer to light duty as "temporary medical restricted duty." The IACP Model Policy addresses this issue by stating that eligibility for light duty is limited to an individual who is

*suffering from medically certified illness, injury, or disability requiring treatment of a licensed health care provider and who ... is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.<sup>2</sup>*

If the policy deals only with light-duty assignment for medical reasons, the department should either (1) provide a separate policy for light-duty assignments under nonmedical circumstances, or (2) scrupulously avoid making light-duty assignments for any reason other than a medical condition.

**Service-connected versus non-service-connected disabilities.** In some instances, the policy may specify that it is applicable to, or designed primarily for, service-connected injuries or illnesses. Other departments make no formal distinction between conditions that are service-connected and those that are not.

Some policies do not expressly limit light duty solely to job-related conditions, but make light-duty assignments a matter of priority. These policies specify that first priority in light-duty assignments will be given to officers whose condition is service-connected.

The IACP Model Policy takes this approach, stating that

*Temporary light-duty positions are limited in number and variety. Therefore ... personnel injured or otherwise disabled in the line of duty shall be given preference....<sup>3</sup>*

<sup>2</sup> Model Policy, Section III.

<sup>3</sup> Model Policy, Section IV(A)(1)(a)



A department that wishes to extend light-duty assignments to those with conditions that are not job-related may also choose to place shorter time limits on light duty for officers with non-service-connected illnesses or injuries. They may also set more stringent standards or prescribe more complicated application procedures for officers seeking light duty for non-job-related conditions.

If the policy is applicable to injuries or illnesses that are not service-connected, the policy should clearly state the conditions under which an officer who has suffered a non-job-related injury or illness may be assigned to light duty. Alternatively, an entirely separate policy may be drafted for non-job-related injury or illness.

**Light duty not a matter of right.** The policy should make it clear that assignment to light duty is not a matter of right for any employee, and that the department does not guarantee that it will be able to assign anyone to light duty at any given time. This may be accomplished by language such as the following:

*[D]ecisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer.<sup>4</sup>*

Although the authority to make initial determinations may be delegated because of the legal and operational concerns involved, the final decision on whether an individual is to be assigned to light duty should remain with the chief of police. It may also be desirable to include language in the policy that makes it clear that a light-duty assignment may be changed at any time, if such a change is deemed by the department to be in the best interest of the employee or the agency.<sup>5</sup> This helps to avoid expectations on the part of personnel assigned to light duty that, once assigned, they have a vested right to retain that particular position.

### C. Type of Work Assigned

#### ***Assignment must be appropriate to the individual.***

The light duty assignment must be appropriate to the circumstances of the individual officer. In the case of an officer convalescing from injury or illness, the duty must not violate any medical restriction that has been placed upon the officer's activities.

**Avoidance of "make-work" assignments.** Many departments, concerned that the light-duty concept will turn into a "makework" situation that does not contribute materially to the agency's mission, state in their policies

that the light-duty assignment must fulfill a necessary job function. Some policies also specify that the light-duty policy will not be used as a justification for creating a new position. The IACP Model Policy states

*No specific position ... shall be established for use as a temporary, light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.<sup>6</sup>*

#### ***Specification of assignments available for light duty.***

The policy may specify the functions or duty assignments within the department that are considered light duty. The IACP Model Policy provides that such assignments may include, but are not limited to, administrative functions such as report review or special projects; clerical functions, such as filing; desk assignments, such as booking officer; report taking (e.g., in the telephone reporting unit); or communications.<sup>7</sup> The department should establish and maintain a listing or inventory of the positions that may be suitable for light-duty assignments.<sup>8</sup>

**Supervisory personnel and other personnel of advanced rank.** As noted earlier, one of the major problems that arises with light duty is placing personnel of advanced rank in light-duty assignments. In order to reduce the potential problem of assigning such personnel to entry-level functions, the policy may provide that sergeants, lieutenants, captains, and above will normally be assigned light duty only in a supervisory capacity. However, such a provision should not totally prohibit assigning supervisory personnel to non-supervisory functions, as specific situations may call for such assignments. The IACP Model Policy deals with this delicate and sometimes troublesome situation as follows:

*Every effort shall be made to assign officers to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification.<sup>9</sup>*

### D. Duration of Light Duty

It may be advisable for the policy to set tentative limitations upon the length of light-duty assignments. This provides personnel with a benchmark and avoids any suggestion that a light-duty assignment is permanent in nature. However, it is best not to make any such time restrictions absolute, since it is sometimes difficult to

<sup>6</sup> Model Policy, Section IV(A)(4).

<sup>7</sup> Model Policy, Section IV(B)(1).

<sup>8</sup> See, e.g., Model Policy, Section IV(B)(2).

<sup>9</sup> Model Policy, Section IV(B)(4).

<sup>4</sup> Model Policy, Section IV(B)(3).

<sup>5</sup> See Model Policy, Section IV(A)(1)(b).

predict how long it may take for an individual to recover fully from an illness or injury. Even though a department may not wish or intend to place personnel on light duty for extended periods of time, in many instances the duration of an officer's condition may be unknown or in dispute, and provision for these uncertainties should be made for such cases in the department's light-duty policies. The IACP Model Policy addresses this problem by stating simply that "Light-duty assignments are strictly temporary and normally should not exceed six months in duration."<sup>10</sup>

## E. Procedures for Assignment to Light Duty

Light-duty assignments should not be made arbitrarily. A detailed procedure should be specified and followed. This is especially critical in cases in which the officer involved may not want to be placed on light duty, or may not desire the specific light duty that is assigned. Procedures will vary from department to department, but at a minimum the policy should specify the manner in which the assignment will be made and the factors that will be considered in making it.

Where the officer has not requested light-duty status, but the department desires to make such an assignment, due process is essential. Ideally, the procedure should include (1) notice to the officer of the proposed assignment to light duty; (2) provision for a hearing or similar opportunity for the officer to be heard; and (3) a procedure whereby an aggrieved officer can appeal the assignment to a higher level.<sup>11</sup> Further, no light-duty assignment should be made for illness or injury unless and until the officer has been evaluated by a competent medical authority and the need for limited duty status established.<sup>12</sup>

In instances in which it is the officer who is initiating the request for light duty, typical procedure calls for the officer to provide the department with medical evidence of the need for light-duty status, and for this evidence to be evaluated by the department in considering the light-duty request.<sup>13</sup> The policy should provide that the light-duty status is to be reviewed at specified intervals to determine whether the assignment is appropriate and whether it should be continued. For example, some policies state that officers on limited duty may be required to submit to periodic physical examinations, and that submission to such examinations is a condition of continuance on light-duty status. One policy of this type, the IACP Model Policy, calls for a monthly physical assessment of personnel on light duty.<sup>14</sup>

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<sup>10</sup> Model Policy, Section IV(A)(5). (Emphasis added.)

<sup>11</sup> See Model Policy, Sections IV(A)(9) and IV(C)(3).

<sup>12</sup> See Model Policy, Sections IV(C)(1) and (3).

<sup>13</sup> See, e.g., Model Policy, Sections IV(C)(1) and (2).

<sup>14</sup> Model Policy, Section IV(C)(4).

## F. "Permanent" Light Duty

As noted above, even though not recommended, a department may wish to permit light-duty assignments for personnel whose incapacity proves to be more than temporary. This may be done in a single policy, or a separate policy may be drafted for permanent light-duty assignments. Whichever method is employed, detailed criteria should be set forth for long-term assignment to light-duty positions, to ensure that unrealistic expectations are not created, and to minimize the possibility of litigation over an employee's claim that he or she has a "right" to be permanently assigned to light duty. See also "Restrictions on Light-Duty Personnel," below.

## G. Avoidance of Conflict with the ADA or Other Laws

All light-duty policies must be so worded as to avoid conflict with the Americans with Disabilities Act or any other federal or state legislation that may affect the department and officer concerned. This is particularly important when providing for such assignments for indefinitely or permanently incapacitated officers. However, even where light duty is to be limited to temporary assignments, the department must avoid any implication in its policies that might conflict with such laws.

A specific statement to the effect that the policy does not impair or replace the employee's rights under the ADA or related legislation may be helpful. For example

*This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.*<sup>15</sup>

## H. Restrictions on Light-Duty Personnel

### **Promotions, pay increases, and retirement.**

Restrictions on, or denial of, pay raises or promotion while on light duty are highly likely to precipitate personnel grievances or litigation. It is therefore desirable to specify in the policy that officers on light duty will continue to receive normal promotion and pay increases while in that status, and that retirement benefits will not be affected. For example

*Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits, or other employee benefits....*<sup>16</sup>

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<sup>15</sup> Model Policy, Section IV(A)(2).

<sup>16</sup> Model Policy, Section IV(A)(3).

This policy of nondiscrimination in the matter of pay, promotions, and benefits must be scrupulously observed by the department if grievances and litigation are to be avoided. If permanent light-duty assignments are permitted, it may be difficult for the department to meet such requirements; consequently, any policy that contemplates permanent assignment to light duty should state clearly any qualifications or limitations upon pay or pro - motion that the department may wish to impose upon the permanent light-duty position. Even then, grievances or litigation may result from any differentiation in pay or promotion between an officer on permanent light duty and other personnel. This is one of the disadvantages of creating a permanent light-duty position.

**Outside employment.** The policy should prohibit an officer in limited-duty status from pursuing outside employment that is related to police work. If the department so desires, outside employment that is not police-related may be permitted, provided that the work is not inconsistent with the light-duty status. Officers should not be permitted to accept outside employment that involves functions for which they have been determined to be physically or mentally unfit and that, consequently, form the basis for the light-duty assignment.<sup>17</sup>

**Wearing of uniforms, carrying weapons, etc.** Some departments prohibit or limit officers on light-duty status from wearing the departmental uniform.<sup>18</sup> Reasons for this prohibition include the possibility that the light-duty officer, if seen in uniform, may be expected by the public to perform the full range of police duties, functions that the officer may be unable to perform properly. Some policies provide that if the uniform is worn, it is not to be worn outside of the building where the officer is stationed.

In addition, some departmental policies permit the department to limit or suspend the law enforcement status of light-duty officers. This may include withdrawal of the right to carry weapons, surrender of weapons, badges, or police I.D., etc. If action of this type is to be taken, it should be taken according to state and local laws and regulations and collective-bargaining agreements. Additionally, the policy must be strictly and evenly adhered to, have a rational basis (such as the safety of the officer or others), and be implemented only after the officer has been given due notice and an opportunity to be heard. Although the power to restrict a sworn employee's law enforcement powers may be delegated, the final determination is best left with the chief.

## **I. Light-Duty Assignments for Causes Other Than Illness or Injury**

As the foregoing discussion indicates, most light-duty policies contemplate light duty only for illness or injury. However, as noted earlier, there may be other reasons for placing an employee in a light-duty assignment.

Placing an officer on light duty for reasons other than illness or injury, such as for administrative reasons pending personnel or disciplinary action, may create legal problems for the department if the officer concerned is unwilling to accept the light-duty assignment. Therefore, as a general proposition, light-duty assignments for other than medical conditions should be made over the objection of the officer only if the department is prepared to demonstrate that the reassignment is necessary to protect the officer or the public, or is otherwise operationally necessary.

In many instances, even officers who do not desire light-duty assignments will nevertheless accept them, particularly if they are perceived as being only temporary. However, in some instances the officer involved will file a grievance or initiate litigation over the matter. Therefore, if the department contemplates that nonmedical light-duty assignments will be made over the objection of the officers concerned, local legal advisors should be consulted and policy language drafted that will meet the current legal standards for such actions. Without a well-written policy, the chances of successfully defending involuntary, nonmedical light-duty assignments in court are considerably reduced. In addition, as noted earlier, use of light-duty assignments as a punitive measure tends to cause negative perceptions of light duty throughout the department, and may increase other individuals' resistance to such assignments, even for nonpunitive reasons.

Because of the problems associated with the use of light duty as a disciplinary measure, the IACP Model Policy states flatly that light-duty assignments are not to be employed for disciplinary purposes.<sup>19</sup>

## **J. Summary**

The light-duty assignment is a valid and valuable personnel management technique for law enforcement agencies. When applied in a uniform manner to all officers within the department, it offers significant benefits for the department, the officer, and the general public. However, light-duty assignments must be made in an evenhanded and nondiscriminatory manner, with due regard for the circumstances of the individual case.

Departments desiring to use the light-duty assignment should promulgate a written policy covering such assignments. This policy should be drafted in consultation with local legal advisors. At a minimum, it should provide

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<sup>17</sup> See Model Policy, Section IV(A)(6).

<sup>18</sup> See Model Policy, Section IV(A)(7).

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<sup>19</sup> Model Policy, Section IV(A)(8).

for nondiscriminatory application of the policy to all officers, set forth a suitable procedure for making light-duty assignments, and provide for medical determination of the suitability of a light-duty assignment in cases involving illness, injury, or other physical disability or condition.

The IACP *Model Policy on Temporary Light Duty* referred to in this paper is intended as an example only. Other language and terminology may be more suitable to specific agencies. Reference to the Model Policy does not constitute a representation by the IACP that the provisions of the Model Policy will meet current or future legal standards, or that they have been or will be approved by a court of law.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

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