

TEMPORARY LIGHT DUTY



Model Policy

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<i>Subject</i> Temporary Light Duty			
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I. PURPOSE

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

Family and Medical Leave Act (FMLA): Federal law providing for up to 12 weeks of annual leave for workers—in addition to leave provided by this agency—due to illness, injury or certain other family conditions/situations.

II. POLICY

Temporary light-duty assignments, when available, are for officers and other eligible personnel in this agency who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing, as well as provide a work option for employees who may otherwise risk the health and safety of themselves or others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this agency that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

III. DEFINITIONS

Eligible Personnel: For purposes of this policy, any full-time sworn or civilian member of this law enforcement agency suffering from a medically certified illness, injury or disability requiring treatment by a licensed health-care provider; and who, because of injury, illness or disability, is temporarily unable to perform the regular assignment, but is capable of performing alternative assignments.

IV. PROCEDURES

A. General Provisions

1. Temporary light-duty positions are limited in number and variety. Therefore,
 - a. personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light duty; and
 - b. assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the agency.
2. 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.
3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits such as bonus pay for special assignments, including but not limited to canine handlers or special weapons and tactics (SWAT).
4. No specific position within this agency 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.

5. Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall
 - a. present a request for extension of temporary light duty, with supporting documentation, to the chief executive officer or his designate; or
 - b. pursue other options as provided by employment provisions of this agency or federal or state law.
6. Officers on temporary light duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this agency and that form the basis for their temporary light-duty assignment.
7. Depending upon the nature and extent of the disability, an officer on temporary light duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon or otherwise limited in employing police powers as determined by the agency chief executive so long as such limitation is consistent with the provisions of IV-B and IV-C of this policy.
8. Light-duty assignments shall not be made for disciplinary purposes.
9. Officers may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider, although officers may protest such assignments through established agency grievance procedures.

B. Temporary Light-Duty Assignments

1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:
 - a. administrative functions (e.g. report review, special projects),
 - b. clerical functions (e.g. filing,)
 - c. desk assignments (e.g. booking officer, bookkeeping),
 - d. report taking (e.g. telephone reporting unit), or
 - e. communications (e.g. complaint taker).
2. This agency's personnel authority shall maintain an inventory of available job assignments that may be used for temporary light duty.

3. In addition to considerations included in IV-A-1 of this policy, decisions 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.
 4. 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. Officers thus assigned shall
 - a. retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
 - b. retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.
- C. Requests for and Assignment to Temporary Light Duty
1. Requests for temporary light-duty assignments shall be submitted to the officer's/employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.
 2. The request for temporary light duty and the physician's statement shall be forwarded to this agency's designated personnel authority, who shall make a recommendation regarding the assignment to the chief executive officer or his designate.
 - a. This agency may require the employee to submit to an independent medical examination by a health provider of the agency's choosing. In the event the opinion of this second health provider differs from the foregoing health provider, the employee may request a third opinion at the employer's expense.

- b. The employee and representatives of this agency shall cooperate and act in good faith in selecting any third health-care provider, and both parties shall be bound by that medical decision.
3. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the officer's immediate supervisor or unit commander. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing the need for temporary light duty or by a request/order for a medical or psychological fitness-for-duty examination.
 - a. Notice shall be provided to the employee of the proposed temporary light-duty assignment together with justification for the recommendation.
 - b. The employee may challenge the proposed reassignment using established agency grievance procedures.
 - c. Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the agency's chief executive officer, failure to reassign may jeopardize the safety of the officer, other employees or the public.
4. As a condition of continued assignment to temporary light duty, officers shall be required to submit to monthly physical assessments of their condition as specified by the personnel authority.
5. For procedures relating to pregnant employees, individuals should refer to this department's separate policy on Pregnancy.

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