

	DELMAR POLICE DEPARTMENT	
	Policy 4.10 Temporary Light Duty	
	Effective Date: 05/15/15	Replaces: N/A
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: N/A	

I. POLICY

Temporary light duty assignments 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 their health and safety of the safety of 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.

II. 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 the agency.

III. ELIGIBLE PERSONNEL

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

IV. GENERAL PROVISIONS

A. Temporary light duty positions are limited in number and variety. Therefore:

1. Personnel who are injured or otherwise disabled in the line of duty shall be given preference in initial assignments to light duty; and
2. Assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interests of the employee or the agency.

- B. 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.
- C. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions or retirement benefits.
- D. 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.
- E. 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:
 - 1. Present a request for extension of temporary light duty, with supporting documentation, to the Chief of Police or his designee; or
 - 2. Pursue other options as provided by employment provisions of this agency or federal or state law(s).
- F. 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.
- G. 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 Chief of Police, so long as such limitation is consistent with the provisions of Section V and Section VI of this policy.
- H. Light duty assignments shall not be made for disciplinary purposes.
- I. 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.

V. TEMPORARY LIGHT DUTY ASSIGNMENTS

- A. Temporary light duty assignments may be drawn from a range of technical and administrative areas that include, but are not limited to, the following:
 - 1. administrative functions (e.g. report review, special projects), etc.;
 - 2. clerical functions (e.g. filing), etc.;
 - 3. desk assignments (e.g. booking officer, bookkeeping);
 - 4. report taking (e.g. telephone reporting unit); and/or

5. communications (e.g. complaint taker).
- B. This Administrative Commander shall maintain an inventory of available job assignments that may be used for temporary light duty.
- C. In addition to considerations included in IV-A of this policy, decisions on temporary light duty assignments shall be made based upon the availability of an appropriate assignment given the officer's knowledge, skills and abilities; availability of light duty assignments; and the physical limitations imposed on the officer.
- D. 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:
 1. 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;
 2. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.
- E. Personnel assigned to temporary light duty assignments shall wear the department "utility" uniform.

VI. REQUEST FOR AND ASSIGNMENTS TO TEMPORARY LIGHT DUTY

- A. 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 acknowledgement by the health-care provider of familiarity with the light duty assignment and the fact that the officer/employee can physically assume the duties involved.
- B. The request for temporary light duty and the physician's statement shall be forwarded to Administrative Commander, who shall make a recommendation regarding the assignment to the Chief of Police or designee.
 1. This agency may require the officer/employee to submit to an independent medical examination by a health-care provider of the agency's choosing. In the event the opinion of this second health-care provider differs from the foregoing health-care provider, the officer/employee may request a third opinion at the officer/employee's expense.
 2. The officer/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.

- C. Any officer/employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the officer's/employee's immediate supervisor or unit commander. Such a request must be accompanied by an evaluation of the officer/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.
 - 1. Notice shall be provided to the officer/employee of the proposed temporary light duty assignment together with justification for the recommendation.
 - 2. The officer/employee may challenge the proposed assignment using established town policy grievance procedures.
 - 3. Pending results of a grievance procedure, an officer/employee may be reassigned if, in the opinion of the Chief of Police, failure to reassign may jeopardize the safety of the officer/employee, other employees or the public.
- D. As a condition of continued assignment to temporary light duty, officers/employees shall be required to submit to monthly physical assessments of their condition as specified by Administrative Commander.

VII.PREGNANT OFFICERS

- A. Pregnant officers are eligible for temporary light duty assignments as available and as appropriate to their physical capabilities and wellbeing.
- B. Where appropriate, temporary light duty assignments are unavailable, pregnant officers may pursue other forms of medical, disability or family leave (FMLA) as provided by this agency and state or federal law.
- C. On a monthly basis, pregnant officers shall submit physician's medical certificates that document:
 - 1. the officer's physical ability to perform the present assigned duties;
 - 2. the physician's appraisal that the type of work being performed will not injury the officer or her expected child; and
 - 3. any recommended duty restrictions or modifications including temporary light duty.
- D. Pregnant officers shall be permitted to continue working on regular duty or temporary light duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.