

19.130 LIMITED DUTY AND EXTENDED SICK PERSONNEL

Reference:

Americans with Disabilities Act (ADA)

Procedure 19.131, Employee Pregnancies

Procedure 19.140, Outside Employment

Procedure 13.110, Assignment, Rotation and Transfer of Personnel

Policy:

The Department will grant temporary assignment transfers to limited duty employees who are temporarily unable to perform the full range of duties required by their current classification due to an **on-duty** illness or injury. If an employee becomes temporarily incapacitated due to an **off-duty** injury, the Department may grant a temporary reassignment, as recommended by the treating physician's documentation and dependent upon staffing levels.

Placement in a temporary assignment shall be consistent with the Department's needs and the employee's specific incapacitation, restrictions, and abilities. A temporary assignment transfer will not be considered permanent.

Procedure:

A. Temporary Limited Duty Assignments:

1. Personnel Section will assign all personnel placed on temporary limited duty based upon the needs of the Department.
 - a. District/section commanders or acting commanders will advise Personnel Section's Supervising Management Analyst if temporary limited duty personnel can be utilized in their current unit of assignment.
 - b. Appeals of the Personnel Section's Supervising Management Analyst decision will be to the Bureau Commander or the Police Chief.

B. Outside Employment While on Limited Duty:

1. Outside Employment Extension of Police Service Details
 - a. While Department members are on limited duty status, they are prohibited from engaging in outside employment as an extension of police service, whether in uniform or civilian clothes. Since limited duty officers are unable to provide a full range of services while on duty, they could not be expected to do so if engaged by a private employer.

2. Outside Employment Not Police Related

- a. This type of employment will be permitted as long as it does not exceed the individual's capabilities and does not conflict with his/her limited duty status. The work restrictions and/or limitations noted on the treating physician's report will be considered in determining an individual's capabilities. If restrictions are lifted, he/she will be returned to full duty. If restrictions affirmed, he/she will be on restricted duty and be restricted from outside employment.

C. Medical Separations:

1. On-duty and off-duty related limited duty and extended leave will be reviewed on a regular basis.
2. When it is medically documented that the employee will not be able to return to full duty status in the foreseeable future, a letter from the Police Chief and countersigned by the Human Resources Department Director will be given to the affected employee advising him/her that due to their medical status and prognosis, he/she will be medically separated. The letter will contain:
 - a. The specific date of separation, which will usually be the Sunday closest to 60 days from the date of the letter.
 - b. A statement regarding the Civil Service appeal for reinstatement after separation, when appropriate.
 - 1) Sworn personnel can apply for reinstatement within 5 years of their medical separation date if they become able to perform the full range of duties within that timeframe, as determined by the City Physician.
 - c. A due date for a written response to the Police Chief, if the employee believes the injury/illness is covered by the Americans with Disabilities Act (ADA), and the employee is requesting accommodation under ADA. This due date will be 10 days from the date of the notification letter. The employee must complete an ADA request for accommodation form, which is attached to the medical separation letter and include a letter from their physician stating their specific limitations.
 - 1) Sworn employees are not guaranteed a non-sworn position if they are unable to return to full duty status in the foreseeable future.

D. Request for Reasonable Accommodation

1. The Department will ensure any request for an ADA accommodation will be immediately reviewed by the Department ADA review team, which is coordinated by Personnel Section's Supervising Management Analyst.
 - a. Within 5 days after the review team decision and following approval by the Police Chief, a written decision will be provided to the employee.

2. If the request for accommodation can be handled within the Department, Personnel Section will coordinate the process including the necessary paperwork.
3. If a request for accommodation cannot be handled within the Department, Personnel Section's-Supervising Management Analyst will forward the request to the City ADA coordinator. That coordinator will review the request and search for possible accommodations on a city-wide basis in an attempt to accommodate the employee.
 - a. The City ADA coordinator will remain in contact with Personnel Section's Supervising Management Analyst and the affected member.
 - b. A written decision will be sent to the affected member as quickly as possible.
 - c. The employee will have 10 days to notify the Police Chief of his intent to accept or decline the accommodation.
4. If the employee's request does not meet the requirements for an accommodation under the ADA law, he/she will be notified in writing within 5 days after the decision by the review team and following approval by the Police Chief.
5. Appeal of either the Department or the City ADA Coordinators' written decision can be made to the Human Resources Department Director with 10 days of receiving the decision.
6. If the employee is not successful in the appeal process, the medical separation date will be reinstated.
7. Any sworn employee who receives an ADA accommodation will:
 - a. Be reclassified to a non-sworn position.
 - b. Be relieved of their Department-issued firearm and powers of arrest.
 - c. Surrender all police equipment.
 - d. Be reissued a civilian identification card, if assigned to the Department.
 - e. Have no authority or responsibility to take police action.