19.130 LIMITED DUTY AND EXTENDED SICK PERSONNEL

Reference:
Human Resources Policy No. 4.4, Other Leaves of Absence
Human Resources Policy No. 5.1, Disciplinary or Corrective Action
Human Resources Policy No. 7.1, Injury with Pay
Human Resources Policy No. 8.1, Separation from Payroll
Human Resources SOP, Fitness for Duty
Human Resources SOP, Request for ADA Reasonable Accommodations
Administrative Regulation No. 41, The Americans with Disabilities Act of 1990 (ADA)
Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming
Procedure 19.131, Employee Pregnancies
Procedure 19.140, Outside Employment
Procedure 13.110, Assignment, Rotation and Transfer of Personnel

Definitions:

Limited Duty Pool – Personnel who are unable to perform the full, unrestricted, law
enforcement duties of a police officer and are on limited duty for more than seven (7)
consecutive scheduled work days will be assigned to the Limited Duty Pool. This
includes personnel who have had their police powers suspended.

Limited Duty Coordinator – The Logistics Management Division Manager will be the
Limited Duty Coordinator and will have primary responsibility for assigning personnel
from the Limited Duty Pool. The Limited Duty Coordinator will take on a temporary
supervisory role for all non-assigned personnel in the Limited Duty Pool. The Limited
Duty Coordinator will be the primary liaison between district/section/unit commanders
and participants in the pool and will track all assignments.

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 dependent upon staffing levels and the
operational needs of the Department. 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.
Participation in the Limited Duty Pool is mandatory and employees who do not comply with the reporting and/or documentation requirements will be considered AWOL. Non-compliance with any part of this procedure, or any other failure to cooperate with providing routine medical progress reports indicating a potential return to full, unrestricted, law enforcement duties will result in the commencement of the medical separation process.

Employees with Family Medical Leave Act (FMLA) eligible injuries/illnesses are permitted to use accrued time balances in compliance with FMLA guidelines.

**Procedure:**

A. **Temporary Limited Duty**
   1. A district/section/unit commander may assign an employee to short-term limited duty up to seven consecutive scheduled working days.
   2. Personnel who will be on limited duty for more than seven consecutive scheduled working days are required to sign and submit a Limited Duty Acknowledgement Form to Personnel Management. Once received at Personnel Management, personnel will be assigned to the Limited Duty Pool and are required to submit a Form 30S, Physician’s Statement, to Personnel Management with their anticipated date of returning to full duty. Form 30S is located in the CPD Forms folder, Personnel-Related Docs sub-folder, on the H: drive.
      a. District/section/unit commanders will notify the Limited Duty Coordinator at [CPDPersonnel@cincinnati-oh.gov](mailto:CPDPersonnel@cincinnati-oh.gov) when they become aware a member of their command will be on limited duty for more than seven consecutive scheduled working days.
      b. Personnel Management will send a packet to the affected district/section/unit commander containing:
         1) A copy of Procedure 19.130, Limited Duty and Extended Sick Personnel
         2) A letter from the Limited Duty Coordinator to the employee who will be assigned to the Limited Duty Pool
         3) A Limited Duty Acknowledgement Form
         4) A F30S, Physician’s Statement
      c. The district/section/unit commander or their designee will serve the packet on the employee and sign the Limited Duty Acknowledgement Form indicating the date and time of service.
      d. The employee is responsible for submitting the completed packet to Personnel Management within 30 days of service. Employees will continue to submit the Form 30S every 30 days (by the 1st of each month) until return to full duty.
1) Non-compliance with this requirement, or any other failure to cooperate with providing routine medical progress reports indicating a potential return to full, unrestricted, law enforcement duties, will result in the commencement of the medical separation process and may be subject to discipline in accordance with the Manual of Rules and Regulations and Disciplinary Process.

2) Forms may be emailed to CPDPersonnel@cincinnati-oh.gov or delivered, in-person, to Personnel Management during normal business hours. Submissions by fax will not be accepted.

3. The Limited Duty Coordinator will assign all personnel allocated to the Limited Duty Pool to a temporary limited duty assignment based on physical ability, any specialized or specific skills possessed by the employee, the employee's rank, and upon the needs of the Department. A Blotter entry will be completed by Personnel Management to ensure the applicable district/section/unit is informed of the assignment of temporary limited duty personnel.

a. District/section/unit commanders or acting commanders will submit any requests for temporary limited duty personnel to the Limited Duty Coordinator via the RMS Form 17 Module.

b. No more than two limited duty personnel will be utilized at any district/section/unit at one time unless authorized by the Police Chief, an Assistant Chief, or the Limited Duty Coordinator.

1) If more than two limited duty personnel are needed, (e.g. for a special project), the district/section/unit commander will submit the request through the chain of command via the RMS Form 17 Module.

c. Limited Duty personnel serving in specialized assignments will remain in their specialized roles for up to 90 days. The district/section/unit commander may submit a request for extension of the assignment of limited duty personnel every 90 days via the RMS Form 17 Module, if needed.

d. The Limited Duty Coordinator will determine assignment locations and ensure the location is different than the employee's primary district/section/unit, unless a request was submitted by the district/section/unit commander and approved by the Police Chief, an Assistant Police Chief, or the Limited Duty Coordinator.

e. Appeals of the Limited Duty Coordinator's decision will be to the Support Bureau Commander. The final determination will be approved by the Police Chief.

1) Limited duty personnel will serve in the allocated assignment during the appeal process.
4. Personnel on limited duty **will not** conduct any patrol/field law enforcement activities.

5. Personnel with injuries sustained on-duty will receive priority consideration for limited duty assignments.
   a. Seniority will be used as a secondary consideration for limited duty assignments.

B. Limited Duty Duration

1. Personnel may be accommodated with limited duty placement for one, consecutive 12-month period provided the employee’s physician states the employee has a reasonable expectation of returning to full, unrestricted duty within the 12-month period.

2. Personnel may be granted a second, 12-month period on limited duty if the employee’s physician states in writing that the employee has a reasonable expectation of returning to full, unrestricted duty within the second, 12-month period.

3. Personnel will not exceed 24 consecutive months on limited duty. The Department will initiate medical separation proceedings to be effective on the 24 month anniversary of the start of the light duty status, or if the employee’s treating physician does not provide a reasonable expectation of a return to full, unrestricted, law enforcement duty at any time or otherwise indicates that permanent restrictions are in place.

C. Limited Duty – On-duty and Off-duty illness/Injury

1. On-duty illness/Injury
   a. Employee Health Service will certify personnel for limited duty status.

2. Off-duty illness/Injury
   a. The employee’s personal physician will certify the employee for limited duty status.

3. Employees who are unable to perform the full, unrestricted, law enforcement duties of a police officer and have been approved for limited duty shall:
   a. Provide any necessary medical documentation as required by FMLA to the Personnel Management Supervising Management Analyst.
   b. Wear the full operational uniform or conservative business attire unless otherwise restricted by their personal physician, Employee Health Service or their supervisor in accordance with Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming.
   c. Carry their badge and display their ID in accordance with Department policy.
d. Carry their authorized firearm in accordance with Department policy, unless otherwise restricted by their personal physician, Employee Health Service or a sworn supervisor.

e. Not wear their badge in the open when restricted from carrying a firearm.

f. Only take police action in emergency circumstances.

g. Not work any outside employment extension of police service details and/or Police Visibility Overtime (PVO).

h. Not engage in any activities that will delay their ability to return to full duty in a timely manner.

i. Complete a Form 202, Weekly Time Report, for as long as the officer has been approved for limited duty.

D. 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. 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 employee’s personal physician’s report will be considered in determining an individual's capabilities.

E. Return to Full Duty

1. When the employee is advised by their personal physician or by Employee Health Services that all work restrictions have been removed and the employee can return to full duty, a note from the physician or Form 30S stating the officer “can return to full, unrestricted, law enforcement duty” will be emailed to CPDPersonnel@cincinnati-oh.gov or delivered, in-person, to Personnel Management during normal business hours. Submissions by fax will not be accepted.

   a. Should the employee’s return to duty fall on a weekend or after normal business hours, the employee will continue in their temporary light duty assignment until approved to return to their assigned district/section/unit by the Police Chief, an Assistant Police Chief, or the Limited Duty Coordinator.
b. The Limited Duty Coordinator will notify the employee’s district/section/unit of assignment that the employee has returned to full duty.

F. Fitness For Duty Evaluation

1. The Police Chief or their designee may request a fitness for duty evaluation for employees who are unable to consistently perform full, unrestricted, law enforcement duty for a six-month period, or when otherwise deemed necessary per Human Resources Policies and Procedures Chapter 8, dependent on City Human Resources approval and compliance with the Fitness for Duty SOP.

   a. To determine fitness for duty, the employee shall be required to produce medical documentation from their personal physician and/or undergo examination by an appropriate medical or psychological professional designated by the City.

   b. When there is a conflict between the employee’s personal physician and the City’s medical professional, the Department shall base limited duty decisions on an independent medical evaluation.

G. Medical Separations

1. On-duty and off-duty related limited duty and extended leave will be reviewed on a monthly basis.

2. When it is medically documented that the employee will not be able to return to full duty status in the foreseeable future, and/or the employee is approaching 24 consecutive months on limited duty, the Department will initiate medical separation proceedings to be effective on the 24 month anniversary. A letter from the Police Chief and 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.

H. 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 Management’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 Management will coordinate the process including the necessary paperwork.

3. If a request for accommodation cannot be handled within the Department, Personnel Management’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 Management’s Supervising Management Analyst and the affected employee.

   b. A written decision will be sent to the affected employee as quickly as possible.

   c. The employee will have 10 days to notify the Police Chief of his/her 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 within 10 days of receiving the decision.

6. If the employee is not successful in the appeal process, the medical separation date will be reinstituted.
7. Any sworn employee who receives a reclassification to a non-sworn position as 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.