

COMPENSATION AND BENEFITS

TEMPORARY LIGHT OR MODIFIED DUTY

Purpose: The purpose of this policy is to establish procedures regarding temporary light or modified duty assignments with regard to medical leave which renders the member unable or incapable of performing all or part of his/her assigned duties.

Policy Statement: It is the policy of the North Little Rock Police Department to assist members who have suffered injury or illness rendering them temporarily unable to perform the duties of their position by offering them limited light or modified duty assignments.

Summary of Changes:

Definitions:

Essential Functions are the fundamental duties and responsibilities of a position as stated in the job description, or duties and tasks which are fundamental to the performance of a particular assignment.

Temporary Light Duty is work assigned during recovery from temporary work restrictions that prevent members from performing one or more of the essential functions of their jobs.

Temporary Modified Duty is the modification, elimination, or reassignment of one or more of the non-essential function(s) of the member's job assignment that enables the member to fulfill the fundamental responsibilities of his/her assignment.

Temporary Light Duty Opportunities are opportunities for temporary work in each Department that has been identified in advance by the Department heads and submitted to the Human Resources Department as being available from time to time that may be suitable for a member with temporary work restrictions.

Temporary Modified Duty Opportunities are opportunities that are only available when a member's job assignment can be modified to accommodate the temporary disability, and the member is still able to substantially fulfill the responsibilities of the assignment.

Temporary Light or Modified Duty Assignment is an assignment to a temporary light duty opportunity or temporary modified duty. Such assignments may be made within the member's Department or in another Department within the City.

On Duty Injury or Illness: Any injury or illness which results from working conditions and occurs in the scope of the member's tour of duty. The Safety Director is responsible for On Duty Injuries or Illnesses.

Off Duty Injury or Illness: Any injury or illness which does not result from a working condition and does not occur in the scope of the employee's tour of duty. The Human Resources Director is responsible for Off Duty Injuries or Illnesses.

Temporary Supervisor is the supervisor the member is assigned to during the period of light/modified duty.

Procedure:

1 Temporary Light Duty Opportunities or Assignments

- 1.1 Temporary light or modified duty assignments are not created for individual members as the need arises.
- 1.2 Temporary light or modified duty assignments will not extend beyond the actual time required for recuperation.
- 1.3 The Chief of Police and his staff will approve temporary light or modified duty positions within the Police Department. The approved list will be forwarded to the Human Resources Director on the Notice of Availability of Temporary Work Opportunities form.

2 Light Duty/Modified Duty

- 2.1 All employees will report to their Division Commander to request light duty or modified duty. The employee will complete the *Request for Approval - Temporary Light Duty* form that can be found on DHQ.
- 2.2 A *Light/Modified Duty Medical* form will also be completed by the attending physician and submitted along with any medical documentation.
- 2.3 Upon approval by the Chief of Police and the Safety or Human Resources Director, the *Request for Approval - Temporary Light Duty* form will be returned to the Division Commander and will designate the location, effective date, and temporary supervisor of the light or modified duty employee.
- 2.4 A member should anticipate 5 business days for the *Request for Approval - Temporary Light Duty* form to be approved or denied. Members will not be assigned to temporary light or modified duty until the request is approved. A member may use any available leave that he is eligible to use under these conditions until the request is approved.
- 2.5 The Division Commander will notify the employee and the temporary supervisor of the location, effective date and of the light or modified duty employee.

- 2.6 Once temporary or light duty has been approved the member will report to the temporary supervisor for his/her assignment. The temporary supervisor will be responsible for the supervision of the member while the member is on temporary light or modified duty.
- 2.7 The member's temporary supervisor will complete a *Status Report* form each time the member visits a physician, or at least once every thirty (30) days, whichever is more frequent and forward it to the member's Division Commander along with a copy of any medical documentation.
- 2.8 The member may be evaluated by the Department's designated medical provider prior to being placed on temporary light or modified duty on a case-by-case basis, if in the opinion of the Chief of Police the evaluation is necessary.
 - 2.8.1 In order for the Department's designated medical provider to review the member's medical records, the member must sign an authorization of release form to obtain medical information from his/her medical providers.
- 2.9 If requested by the Chief of Police, the member may be evaluated by the Department's designated medical provider prior to being returned to full duty.

3 On-Duty Injuries

- 3.1 The original *Status Report* will be forwarded to the Safety Director each time the member begins, changes, and ends the temporary assignment.
- 3.2 If the condition is work-related and temporary light or modified duty is not possible, temporary light or modified duty will not be approved. The employee may not use sick leave as Worker's Compensation is the sole remedy for on-the-job injuries.

4 Off-Duty Injuries

- 4.1 The procedures dealing with off duty injury or illness will be the same as on duty injury or illness, except the forms will be sent to the Human Resources Director.
- 4.2 If temporary light or modified duty is not possible, temporary light or modified duty will not be approved. The employee may use any available paid leave that he is eligible to use under these conditions.

5 Assigning Temporary Light Duty

- 5.1 The member must read and sign the North Little Rock Police Department's "*Light or Modified Duty Agreement*" before being assigned to temporary light or modified duty.
 - 5.1.1 If the member refuses to sign the agreement, an assignment will not be made available to the member, and the refusal will result in review by the Chief of Police or his designee, Safety Director and/or the Human Resources Director.
- 5.2 Prior to the member being assigned to temporary light or modified duty, he/she is required to provide the Division Commander with a signed and completed medical release before being authorized to return to work with temporary restrictions.
- 5.3 The Division Commander will review the member's medical release to determine whether or not temporary light or modified duty is available or advisable.
- 5.4 If temporary light or modified duty is possible, a decision will be made as to whether the member can be provided temporary light or modified duty opportunity within the Police Department.
- 5.5 Assignment to an available temporary light/modified duty opportunity with another city Department may be considered, conditioned upon availability, suitability, and the mutual agreement of both Department heads or their designees and the Human Resources Director.
- 5.6 If temporary light or modified duty is not possible, the member will be advised that he/she may not return to work until a suitable temporary light or modified duty opportunity is available or until the member is able to resume full duty, whichever is applicable in the particular situation.
- 5.7 Temporary light or modified duty is intended to last only the minimum amount of time necessary to enable a member to return to full duty, or a maximum of ninety (90) calendar days with one extension of ninety (90) calendar days, if determined medically necessary to heal. This must be determined by a Medical Provider.
- 5.8 If an extension is needed beyond the initial approved light or modified duty period, it is the responsibility of the member to request an extension and provide updated medical documentation of the need for the extension. Otherwise, the member will be expected to return to his/her normal assignment upon expiration of the light or modified duty.
- 5.9 A request for the extension of temporary light or modified duty for more than 90 days must be submitted in writing by the member to the Division Commander at least 5 business days prior to the expiration of the 90 day period. This request must be accompanied by an updated medical evaluation.
- 5.10 Temporary light or modified duty is not intended to exceed a total maximum of one hundred eighty (180) calendar days, intermittently or consecutively. Exceptions may only be considered in extraordinary circumstances where full recovery and a return to full duty is expected within a reasonable additional amount of recovery time.

- 5.10.1 Before being considered for an extension of time, the member must provide an updated medical evaluation that includes the date the member may reasonably be expected to return to full duty.
- 5.10.2 Temporary light or modified duty may not be assigned, reassigned, or continued, if work restrictions are/or become permanent, or
- 5.10.3 The medical provider is unable to provide a date when the member could reasonably be expected to return to full duty (after the maximum time limit has been reached).
- 5.11 If a member's work restrictions are determined to be permanent or no date of return to full duty can be reasonably predicted by the medical provider, the member will no longer be eligible for the temporary light or modified duty program. The member's options for paid Worker's Compensation total or temporary disability benefits or City paid leave benefits and/or FMLA entitlement, should be reviewed with the member at this time.

6 Denial of Temporary Light or Modified Duty

- 6.1 Temporary Light or Modified Duty may be denied for causes including, but not limited to the reasons listed below:
 - 6.1.1 Lack of availability. No available temporary light duty opportunity with the Department or in another Department.
 - 6.1.2 Lack of suitability. No suitable work available within the work restrictions.
 - 6.1.3 Lack of qualifications. Member lacks required experience, skill or ability required for any available temporary light duty opportunity.
- 6.2 The temporary duty assignment may not exceed thirty (30) days without an evaluation by the member's temporary supervisor by completing the status report form.

7 Temporary Light or Modified Duty Restrictions

- 7.1 The member and the temporary supervisor must understand and adhere to work limitations established by the member's attending physician.
 - 7.1.1 Refer to the *North Little Rock Police Department Light or Modified Duty Medical* form.
- 7.2 Temporary assignments for on duty illness or injury will have precedence over temporary assignments for off duty illness and injury, if starting at the same time.
- 7.3 While on temporary light or modified duty, members will report to their assignment in civilian clothes consistent with semi-business attire, including badge and identification card.
- 7.4 Members on temporary light or modified duty will not wear a uniform or operate a marked patrol unit.
- 7.5 Members on temporary light duty or modified duty will not work any off duty employment or extra duty employment, in which there is actual or potential use of law enforcement powers, until the attending physician releases the member to full duty status.
- 7.6 Members are required to notify their temporary supervisor of any changes in their status during temporary light or modified duty assignments with written verification from the medical provider of the change.
- 7.7 Failure to satisfactorily perform light duty assignments will result in the revocation of the light or modified duty assignment.
- 7.8 Any misrepresentation, falsification, or other type of misconduct related to a member's medical condition, work restrictions, or ability to return to full duty, may result in revocation of the temporary light or modified duty assignment and may subject the member to disciplinary action, up to and including termination.

8 Temporary Light or Modified Duty Tracking Responsibility

- 8.1 The Professional Development Commander will be responsible for tracking members who have been approved for a temporary light or modified duty assignment.
- 8.2 Once the tracking sequence begins, it will continue until the member has been returned to full duty.
- 8.3 The tracking system will provide the Department with accountability procedures to ensure temporary light or modified duty assignments are utilized in accordance with City and Departmental policy.

9 FMLA Provisions

- 9.1 During FMLA leave, an employee may elect to decline an offer of temporary light duty in order to remain on FMLA until the FMLA entitlement ends or the employee is returned to full duty, whichever comes first.
 - 9.1.1 In such cases, paid sick leave benefits will end since they are limited to absences caused by the employee's incapacity and inability to work. Available paid discretionary or annual leave will then be substituted and charged concurrently with the remaining FMLA leave. When this leave is depleted, the remainder of the FMLA leave entitlement will be unpaid.
- 9.2 If an employee has been receiving Worker's Compensation TTD payments, the employee's refusal to accept temporary light duty is required to be reported to the W.C. Administrator. If the employee's TTD compensation is

terminated, the City's supplemental TTD payments will all end and the remainder of the employee's FMLA leave will be unpaid unless the employee has available discretionary or annual leave benefits to apply.

10 Permanent Disability

- 10.1 When a member suffers an injury, illness, or medical condition which renders him/her permanently disabled and unable to perform the essential functions of their job assignments, a review of all pertinent information and documentation will be conducted to determine if there are any reasonable accommodations that can be made.
- 10.2 The review will be conducted by the Professional Development Division commander, the employee's division commander, the Safety Director, the Human Resources Director, and the City Attorney.
- 10.3 Any recommendations made will be forwarded to the Chief of Police for final approval.

Patrick Thessing
Chief of Police