TEMPORARY / LIGHT DUTY

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I. PURPOSE

The purpose of this order is to establish the authority for granting temporary light-duty assignments and to establish procedures for granting temporary light duty to eligible officers and civilian personnel within the department.

II. POLICY

Temporary light-duty assignments, when available, are for officers and other eligible personnel in the department who, because of injury or illness, are temporarily unable to perform their regular assignments but 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 or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of the Iowa City Police Department that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments when available and consistent with this policy.

III. DEFINITIONS

Eligible Personnel: For purposes of this policy, a sworn or civilian member, suffering from medically certified illness, injury, or condition, who is temporarily unable to perform their regular assignment but is capable of performing alternative assignments.

Family Medical Leave Act (FMLA): Federal law providing for up to twelve (12) weeks of leave for eligible workers, for their own serious health condition or other situations as outlined in the law and the City's FMLA policy.

IV. PROCEDURE

A. GENERAL PROVISIONS

1. Temporary light-duty positions are limited in number, task, variety, and availability. Therefore:
   a. personnel injured or otherwise disabled in the line of duty may be given preference in initial assignment to light duty; and
   b. assignments may be changed at any time, with concurrence 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, collective bargaining agreement, 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.
4. No specific position within the Department shall be established for the 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 will not exceed 960 Hours. (Light duty may be provided for a total of 960 Hours in a one year period, with a year being defined as beginning on the first light duty day and ending 12 calendar months after the first light-duty day.) After 960 Hours, personnel on temporary light duty who are not capable of returning to their original duty assignment may:
   a. Pursue other options as provided by employment provisions under federal or state statute, or collective bargaining agreement.
6. Officers on temporary light duty are strictly prohibited from engaging in outside employment in which that officer may reasonably be expected to perform law enforcement functions which they have been determined physically or mentally unable to perform on behalf of the department.
7. Officers/employees who are medically prohibited from performing their regularly assigned duties may not engage in outside or "off-duty" employment until approved by the Chief of Police. Officers/employees shall provide the Chief of Police documentation from their attending physician stating that the outside / off-duty employment is medically permitted.
8. Depending upon the nature and extent of the injury or illness, an officer on temporary light duty may be prohibited or restricted from wearing departmental uniform, carrying a weapon or otherwise limited in employing police powers as determined by the Chief of Police so long as such limitations are consistent with this policy.

9. Light-duty assignments shall not be made for disciplinary purposes.
10. Officers/employees who incur a duty-related injury and refuse a temporary-light-duty assignment may be subject to loss of Chapter 411 or Worker's Compensation benefits. However, such officers/employees may be covered by FMLA provisions with respect to obtaining leave, whether paid or unpaid, per FMLA.

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. report taking (e.g. telephone reports)
   d. communications
2. Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's skills, knowledge and abilities; availability of light duty assignments; and the physical limitations imposed on the officer.
   a. When available, the work hours of a Light Duty assignment are subject to need and the availability of necessary equipment or work space.
3. Every effort shall be made to assign officers/employees 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/employees thus assigned shall:
   a. Retain the privileges of their rank but shall answer to the supervisory personnel 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 shall be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by the treating physician. The certificate must include an assessment of the nature and probable duration of the injury or illness, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the light-duty assignment and a statement 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 the Office of Chief of Police. The Chief of Police or designee may consult with the City's Personnel Administrator and/or other City Department prior to making a determination regarding the assignment to temporary light-duty.
   a. The Department may require the employee to submit to an independent medical examination by a health provider of the Department's choosing. In the event the opinion of this second health care provider differs from

the foregoing health provider, the employee may request a third opinion at the employer's expense.

b. The employee and representative of the Department 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. Employees not eligible for FMLA leave, may be offered a temporary light duty assignment upon submission of a request from the officer's/employee's immediate supervisor or unit commander to the Chief of Police.

4. As a condition of assignment to temporary light-duty, officers may be required to submit to monthly physical assessments of their condition.

Jody Matherly, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.