




Clayton County Police Department

PROCEDURES

Subject TEMPORARY LIGHT DUTY		Procedure # C4	
Authorizing Signature 	Effective 09-08-2021	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 10

I. PURPOSE

The purpose of this policy is to establish the Department's Policies and procedures for temporary light duty assignments (light duty) for personnel in need of a limited accommodation due to illness, pregnancy, or injury of a short-term duration.

II. POLICY

Employees are expected to perform all of the essential functions and other duties of the job for which they are employed. When employees are injured or otherwise unable to perform their regular job duties due to temporary incapacity, including pregnancy, worker's compensation/occupational injuries, and non-occupational injuries, the employee may request a temporary change in assignment, if available. The Department may offer a light duty assignment depending on its needs. Light duty is a privilege afforded by the Department, and not a right of an employee. The Department will evaluate the request and may agree to the request, if a temporary light duty assignment is available.

This policy is not applicable to, and does not supersede any available rights in connection with, reasonable accommodations that are provided under the Americans with Disabilities Act (ADA), to leave that is required under the Family and Medical Leave Act (FMLA), or to non-FMLA medical leave. For any such requests, please see the County's respective Civil Service Rules, Equal Employment Opportunity, Family and Medical Leave, and Medical Leave (Non-FMLA) rules, or contact Human Resources.

III. PROCEDURES

A. Establishment of Light-Duty Assignments

Light-duty assignments are administrative positions staffed by sworn and non-sworn personnel, if they are able to perform the minimum physical requirements as described in this policy.

1. Duration of Light-Duty

A light-duty assignment is limited to a maximum of 90 calendar days in duration. If an employee cannot return to duty within the 90 days, the employee must contact the Chief's Administrative Assistant to request a meeting with the Chief or designee to discuss the employee's needs. This meeting is referred to as the "Meeting with the Chief" and is discussed in Section D of this procedure.

2. Sworn Personnel Light Duty Specifications

a. The maximum number of light-duty positions available for non-job related injury or illness, including pregnancy, is limited to five (5) officers. Once those five (5) positions are filled, there are no remaining light-duty assignments for non-job related illness or injury including pregnancy. The Chief of Police has the discretion to increase the number of light-duty positions, when it is in the best interest of the Department to do so.

b. Minimum Physical Requirements for Sworn Personnel

In order for sworn personnel to be eligible for a light-duty assignment, officers must be able to:

- 1) Sit for extended periods of time;
- 2) Perform repetitive tasks such as typing, writing & documentation;
- 3) Lift objects up to five pounds;
- 4) Transport files and similar work product, up to five pounds in total weight at a time, to and from the offices of departmental subcomponents within the Headquarters building;
- 5) Conduct official business by telephone and computer;
- 6) Interview witnesses, victims and citizens; and

- 7) Operate office equipment, to include, but not limited to, computers, printers and copiers.

3. Non-Sworn Personnel Light Duty Specifications

- a. Light-duty assignments for non-sworn personnel only apply to those employees who are **not** certified peace officers, as defined by OCGA § 35-8-1 et al.
- b. The maximum number of light-duty positions is limited to no more than two (2) non-sworn employees at one time. Once those two (2) positions are filled, there are no remaining light-duty assignments for non-sworn employees within the Department. Only the Chief of Police may authorize more than two (2) light-duty assignments for non-sworn employees, when it is in the best interest of the Department to do so.
- c. Minimum Physical Requirements for Non-Sworn Personnel

In order for non-sworn personnel to be eligible for a light duty assignment, they must be able to:

- 1) Sit for extended periods of time;
- 2) Perform repetitive tasks such as typing, writing & documentation;
- 3) Lift objects up to five pounds;
- 4) Transport files and similar work product to file stacks, copy room or other areas with the Headquarters building;
- 5) Conduct official business by telephone and computer;
- 6) Meet and assist members of the public at the front counter(s);
- 7) Obtain reports for the public;
- 8) Redact reports to comply with the Open Records Act;
- 9) Respond to supervision by unit supervisors; and
- 10) Operate office equipment; specifically, computers.

d. Central Records & Permits Unit Duties (Non-Sworn Personnel)

- 1) Generally, non-sworn personnel approved for light-duty assignments will be assigned to the Central Records & Permits Unit and work the front counter(s).

Employees assigned to light duty in the Central Records & Permits Unit will be under the immediate supervision of the Central Records & Permits Commander and they will work the shift hours set by the Commander.

- 2) Non-sworn employees will provide service to the public at the front counter(s) providing reports consistent with the Open Records Act; providing releases for impounded vehicles; answering telephone requests; entering data or verifying computer entries; copying documents; and performing other administrative support functions as required by the Central Records & Permits Commander.
- 3) In addition, the Chief may direct the employee to work at Animal Control, or any other assignment that fits within the physical requirements of light duty and that meets the needs of the Department.

B. Application for Light-Duty

1. Employees are expected to perform all of the essential functions of the job for which they are employed. When an employee is unable to perform an essential function of his/her primary duty assignment because they are injured or otherwise unable to perform their regular job duties due to temporary incapacity, including due to pregnancy, worker's compensation/ occupational injuries, and non-occupational injuries, the employee may apply for a light-duty assignment through his/her chain of command by memorandum.

The employee must include and attach a statement from his/her physician which states that he/she is unable to perform one or more of the essential functions of his/her primary duty assignment, but after reviewing the essential functions of the light-duty assignment, certifies that the employee can perform those essential functions.

The employee's Assistant Chief or Deputy Chief will evaluate the application and may authorize a light-duty assignment for up to 90 days, so long as one is available.

2. Employees who are approved by the Assistant Chief or Deputy Chief for a light-duty assignment must then complete and submit a *Memorandum of Understanding (MOU) for Light-Duty Assignment*. The approval is not finalized until the MOU is submitted to and signed by the employee's Assistant Chief or Deputy Chief.

See *Appendix A* of this procedure for the *Light-Duty Memorandum of Understanding for Sworn Personnel*.

See *Appendix B* of this procedure for the *Light-Duty Memorandum of Understanding for Non-Sworn Personnel*.

3. The application and attached document(s) are deemed confidential and not subject to disclosure under the Open Records Act, pursuant to OCGA § 50-18-72(a) (2) & (a) (21). Only supervisory and administrative personnel with a need to know will review these documents. The original documents will be securely filed for the duration of the light-duty assignment in the office of the Assistant Chief or Deputy Chief to maintain confidentiality. The only copy made shall be forwarded through the chain of command to the Director of the Clayton County Department of Human Resources.

C. Assignment to Light-Duty

1. Regulations for Light-Duty Personnel

a. Chain of Command

- 1) The Assistant Chief and Deputy Chief shall oversee all employees that fall under their command prior to light-duty assignments.
- 2) Employees will answer to the chain of command of their light-duty assignment.

b. Immediately upon initially reporting to a light-duty assignment, employees are required to complete the following:

- 1) Meet personally with their light-duty supervisor(s);
- 2) Inform their light-duty supervisor(s) of all upcoming leave, training, or any other attendance issue that was approved prior to, or is anticipated (e.g., doctor's appointments, etc.) during, light duty;

3) Obtain all the contact information of their light-duty supervisor(s).

c. Attendance, Leave, Overtime Management during Light Duty

1) During light duty assignments of five (5) days or less, regardless of duty assignment during that time period, the affected employee will remain on the Duty Roster of his/her normal Shift and/or Unit assignment.

During light duty assignments of six (6) days or more, the affected employee shall be transferred from the Duty Roster of his/her normal Shift and/or Unit assignment to the Duty Roster of his/her light-duty assignment.

2) During light-duty, light duty assignments of five (5) days or less, the affected employee's supervisor from his/her normal Shift and/or Unit assignment shall be responsible for documenting and maintaining all attendance, leave and overtime records for payroll purposes (e.g., annual leave requests, sick leave applications, duty rosters, etc.).

During light-duty assignments of five (5) days or less, it shall be the light-duty supervisor's responsibility to inform the employee's normal Shift and/or Unit supervisor of any attendance concerns, issues or updates (e.g., tardy, unplanned, etc.).

All requests for annual leave, sick leave and/or overtime, or any other such requests, will be submitted to a supervisor from the employee's normal Shift and/or Unit for approval.

3) During extended light-duty assignments of six (6) days or more, the affected employee's light-duty supervisor shall be responsible for documenting and maintaining all attendance, leave and overtime records for payroll purposes (e.g., annual leave requests, sick leave applications, duty rosters, etc.).

During light-duty assignments of six (6) days or more, the light-duty supervisor shall be responsible for managing, enforcing and documenting attendance for all light-duty employees under their supervision.

All requests for annual leave, sick leave, and overtime will be submitted to the affected employee's light-duty supervisor.

- 4) In accordance with procedure *C2: Attendance, Leave & Overtime*, employees will notify their light-duty supervisor, if they anticipate being tardy, wish to request unplanned leave, or need to notify a supervisor of any other attendance concern during any light-duty assignment work day.

d. Training during Light Duty

- 1) Employees are permitted to attend training while on light-duty assignments, if the training was already approved prior to being on light duty and the type of training does not conflict with the light-duty restrictions prescribed by their licensed physician.
- 2) Employees are permitted to apply for training while on light duty as long as it is required to satisfy the officer's annual POST training requirements and/or Departmental training requirements. The requested training cannot conflict with the restrictions prescribed by the officer's physician. The training must be approved by the officer's immediate supervision.
- 3) Employees are permitted to register for online courses and/or virtual training while on light duty as long as they are a good source for in-service training and/or provide POST credit hour(s). The requested training cannot conflict with the restrictions prescribed by the officer's physician. The training must be approved by the officer's immediate supervision.

e. Dress Code during Light Duty

- 1) Employees on light duty are prohibited from wearing any departmental uniform, or any version or part of their uniform apparel and/or clothing, on or off duty, which may identify them as an employee of the Clayton County Police Department.
- 2) The dress code for sworn personnel on light duty is casual business attire, excluding jeans.
- 3) The dress code for non-sworn personnel on light duty will be the same as those for the Records Clerks assigned to the Central Records & Permits Unit.

f. Restrictions for Light-Duty Personnel

- 1) Employees on light duty are prohibited from working any off-duty and/or secondary employment, as defined by procedure *B6: Off-Duty & Secondary Employment*.
- 2) Employees on light duty are prohibited from operating any County vehicle, including assigned vehicles. Employees on light duty with an assigned vehicle shall immediately surrender all keys for the County vehicle to a supervisor from their normal Shift and/or Unit. The assigned vehicle shall be parked at the employee's normal work location (e.g., headquarters, precinct, etc.).
- 3) Employees on light duty, whether on or off duty, are prohibited from being a passenger in a **marked** County vehicle (e.g., police patrol vehicle; Animal Control vehicle; etc.).
- 4) Firearms & Credentials carried on Light Duty
 - a) Sworn personnel on light duty are permitted to carry an authorized departmentally-issued and/or a personal handgun on their person under the authority of the Department, whether on or off duty, if they are physically able to carry, handle and/or operate the firearm despite their light-duty status **and** the firearm is carried in a concealed manner.

However, sworn personnel on light duty are prohibited from carrying an authorized departmentally-issued and/or a personal shoulder weapon, under the authority of the Department, whether on or off duty.

- b) All personnel on light duty are required to wear their departmental identification card on their person in a conspicuous manner while inside all departmental buildings or facilities, whether on or off duty.

Sworn personnel on light duty shall conceal their departmental credentials (e.g., police badge, departmental identification card, etc.) while outside departmental buildings or facilities, whether on or off duty.

D. Meeting with the Chief

1. Light duty is a temporary accommodation to allow an employee with a short-term illness or injury to recover and return to full duty. Light duty is generally limited to 90 days. From time to time, an employee may need a few more days of light duty to return to full duty.

2. If an employee and his/her attending physician reasonably believe that recovery and return to full duty will occur shortly after the normal end of the light duty assignment, the employee is to contact the Chief's Administrative Assistant to request a meeting to explain the need for additional time on light duty and the expected date of return to full duty.
3. The employee is responsible for providing to the Chief, a physician's statement of need for additional time which must include the expected date of return to full duty.
4. At the meeting with the Chief, the employee will present the facts he/she wishes the Chief to consider, which must include: (1) the expected date of return to full duty, (2) the type of accommodation requested and (3) the expected duration of the need.
5. The Chief may request an evaluation by a medical practitioner selected by the Director of the County's Department of Human Resources to determine the employee's fitness for duty.
6. If an extension of light duty is approved by the Chief following the meeting, the employee will be given an assignment by the employee's Assistant Chief or Deputy Chief.
7. If after the expiration of the extension agreed to by the Chief, the employee is still unable to return to full duty, he or she will repeat the steps above and apply for a second extension.

E. Pregnancy Accommodation

1. The Department recognizes that pregnancy is a short-term interruption in the employee's ability to perform the essential functions of her job. The Department is also sensitive that a police officer's gun belt with all the equipment required to function safely, may create additional needs for the employee, which may be accommodated with the Light Duty assignment.
2. When possible, the Department will provide a light duty assignment to a pregnant officer consistent with the needs established by the officer's physician. However, the employee's physician must review and approve of the employee working the light duty assignment with its physical requirements.

F. Mandated Notification of GPOSTC by the Department For Sworn Personnel

The Department will comply with the Georgia Peace Officer Standards & Training Council (GPOSTC) Rules regarding notification of Long-term Medical disabilities:

“464-3-.09 Notification of Long-Term Medical Disability.

(a) Employing agencies receiving notice of a change in the medical condition, for other than a short-term condition, of any applicant, candidate for certification, or person certified that prohibits the applicant, candidate, or officer from performing required duties, shall inform the Council in writing within ten (10) days of such action.

As used in this section, the term short-term condition means a medical condition which, in the judgment of a licensed physician, surgeon or doctor of optometry, expressed in writing, will not persist for more than 180 days, or such other period as may be specified by the Council, in its judgment.

(b) Any applicant, candidate, or person certified, pursuant to O.C.G.A. Title 35, Chapter 8, who has a change in medical condition, on or after the effective date of this rule, for other than a short-term condition, and is terminated, voluntarily resigns, resigns in lieu of dismissal, demoted, suspended, or retires as the result of a change in medical condition which prohibits the applicant, candidate, or officer from performing required duties shall notify the Council in writing within fifteen (15) days of such action.”

IV. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: *C4: Light-Duty Assignments*, dated March 22, 2021.