

TEMPORARY LIMITED DUTY

POLICY:

It is the policy of the Omaha Police Department (OPD) that eligible employees who are unable to perform their regular assignments because of injury, illness, or otherwise, but who are capable of performing alternative duty assignments, are given a reasonable opportunity to work in temporary Limited Duty assignments within the agency. This opportunity is within the rules that govern their employment, and if the employee has been medically cleared to work, such period of temporary employment as might be required. In addition, this policy is intended to ensure compliance with NRS [§48-1102](#) and other obligations of law.

DEFINITIONS:

Eligible Employees: Employees who are temporarily unable to perform their regular assignments, but who are capable of performing alternative assignments including, but not limited to, employees with a certified illness, injury, or disability requiring treatment of a licensed health-care provider and pregnant employees.

Limited Duty: Duties assigned to eligible employees who are temporarily unable to perform the essential functions of their job, and which are not covered under the Americans with Disabilities Act (ADA). Limited Duty is sometimes known/referred to as "Light Duty."

PROCEDURE:

I. General Provisions

- A. Temporary Limited Duty positions are subject to availability and Departmental need.
- B. Limited Duty is NOT an employee right guaranteed by collective bargaining agreement. Rather, Limited Duty is a management prerogative.
- C. Employees who are injured or otherwise temporarily disabled in the line of duty shall staff available Limited Duty assignments in preference to those with off-duty injuries.
 - 1. Approval for Limited Duty assignments for those with off-duty injuries shall be identified and coordinated by the OPD Employee Resources Sergeant.
 - 2. Limited Duty assignments may be changed at any time, if deemed in the best interest of the employee or the Department. Any such changes shall be consistent with the medical information available.
 - 3. If an employee is assigned to Limited Duty, and the Limited Duty was not the result of an IOD status, the employee may be removed from Limited Duty if another employee who was IOD wants to return for Limited Duty but no openings exist. In such case, the employee on Limited Duty who was not IOD would be returned to the appropriate leave status, and the IOD employee would be placed on Limited Duty.
- D. This policy in no way alters the rights or privileges that an employee may have under provisions of the Family Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State law.
- E. Assignment to temporary Limited Duty shall not change an employee's pay classification, pay increases, or employee benefits.
- F. The Chief of Police or their designee shall approve or deny Limited Duty requests.

1. If Limited Duty is approved, the Chief of Police or their designee shall determine what limited duties the employee shall perform.
 2. If Limited Duty is denied, the employee shall continue to use the appropriate leave as coordinated with the Employee Resources Sergeant and as defined in the employee's collective bargaining agreement.
- G. No specific position within the OPD shall be established for use as a temporary Limited Duty assignment, nor shall any assignment be designated or utilized exclusively for employees on temporary Limited Duty.
- H. Limited Duty may be available on either the "A", "B", or "C" Shifts; however, no Limited Duty position shall be "created" for a specific employee, and no Limited Duty position shall adversely affect personnel allocation on a particular shift or in a specific bureau.
1. If an employee does not accept a Limited Duty position on a particular shift, the request may be denied and the employee shall use an appropriate type of Leave.
- I. Limited Duty assignments are strictly temporary and shall not exceed one (1) year from the date of the injury or illness absent an accommodation agreement approved by the City Law Department and the City Human Resources Director.
1. After one year, employees on temporary Limited Duty who are not capable of returning to their original duty assignment shall:
 - a. Be subject to the provisions of the employee's respective collective bargaining agreement.
 - b. Pursue other options as provided by employment provisions of the city, state, or federal law.
- NOTE:** The employee's duty assignment shall normally not be held beyond one year from the date of the injury or illness.
- J. Employees assigned to temporary Limited Duty are prohibited from engaging in any uniform and/or law-enforcement off-duty work (i.e., outside employment) during the duration of Limited Duty status. Any other non-law enforcement off-duty employment must first be approved by the Chief of Police.
- K. Depending upon the nature and extent of the employee's medical and physical restrictions, a sworn officer on temporary Limited Duty may be prohibited or restricted from wearing an official OPD uniform, carrying a service weapon, or otherwise limited in employing police powers as determined by the Chief of Police.
1. The employee must be released to full duty at the recommendation of physician or certified health-care provider. Once released to full duty, sworn employees must pass required weapon qualifications in accordance with State law prior to returning to their full duty assignment.
 2. If the employee is restricted from weapon qualification and thereby fails to/cannot qualify, they shall be notified in writing by the Chief of Police indicating that they may no longer carry their weapon.
- L. Employees may be required to return to work on a Limited Duty status when:

1. They are unable to perform their regularly assigned duties.
 2. They are released for Limited Duty by a written authorization from a licensed physician, and the physician states that the employee is unable to return to their regularly assigned duties.
- M. Limited Duty assignments shall not be made for disciplinary purposes.
- N. Employees may not refuse temporary Limited Duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider.
- O. In most instances, employees working Limited Duty are not allowed to work on dates that are designated as holidays per their applicable collective bargaining agreement. If it is determined there is a need for a Limited Duty employee to work a holiday, the employee's supervisor shall obtain prior approval from the respective Bureau Deputy Chief/Director.

II. Assignments

- A. Temporary Limited Duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:
1. Administrative functions (special projects).
 2. Clerical functions.
 3. Desk assignments.
 4. Report taking.
- B. Decisions governing temporary Limited Duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities; availability of assignments, and the physical limitations imposed on the employee.
- C. Every effort shall be made to assign employees to positions consistent with their current assignment, rank, and pay classification. However, where deemed appropriate, employees may be assigned to positions designated for employees of lower rank or pay classifications. Employees assigned shall:
1. Retain the privileges of their rank, but shall answer to the supervisory employee to whom they are assigned with regard to work responsibilities and performance.
- D. Employees are rarely allowed to work out-of-class while on temporary Limited Duty status. If an exceptional need should arise, the employee's request and work restrictions documentation must be provided to the employee's supervisor.
1. For both sworn and non-sworn employees, the request shall then be sent via chain of command to the Chief of Police. If approved by the Chief, the request will then be sent to the Police Personnel Unit who will work with the City of Omaha Labor Relations Office for final approval.

III. Request for and Assignment to Temporary Limited Duty Due to Off-Duty Injury or Medical Conditions

- A. Any OPD employee who is injured off duty or is unable to work full duty due to a medical condition (illness, for example) may submit a Request for Temporary Limited Duty assignment by submitting an Inter-Office Communication to their respective Bureau Deputy Chief/Director.
 - 1. A statement of medical certification to support a requested assignment, which must be signed by either the treating physician or other licensed health-care provider, must accompany such requests.
 - 2. The certificate must include an assessment of the nature and probable duration of disability, prognosis for recovery, and nature of work/physical restrictions.
 - B. The request for temporary Limited Duty and the physician's statement shall be forwarded to the employee's Bureau Deputy Chief/Director via the chain of command.
 - 1. The Bureau Deputy Chief/Director shall make a recommendation regarding the assignment. The request and recommendation of approval/denial shall be forwarded to the OPD Employee Resources Sergeant for tracking and filing. The Employee Resources Sergeant shall work with the Police Services Bureau Deputy Chief to obtain the approval of the Chief of Police for all Limited Duty assignments.
 - 2. The employee may be required to submit to an independent medical examination by a health care provider of the Department's choosing. If the opinion of the independent medical examiner differs from the foregoing health care provider, the employee may obtain another opinion at the employee's expense.
 - 3. The Employee Resources Sergeant shall notify the OPD Police Personnel Unit, who shall enter the employee change in duty status within the City of Omaha HR system. The applicable [CBA](#) shall be referenced.
 - (a) Due to the employee not working in their assignment, shift, or card, any specialty pays, premium pay, card pay, uniform pay, and/or shift differential pay shall be deactivated while they are not working. These pays shall be re-activated when the employee returns to work.
- EXCEPTIONS:** Some exceptions may apply. For example, a Canine officer shall continue to receive Canine premium pay, unless the dog is boarded.
- C. As a condition of continued assignment to temporary Limited Duty, employees may be required to submit to periodic physical assessments of their conditions as specified by the approving authority.

IV. Pregnancy

- A. No employee shall be required to disclose her pregnancy except in accordance with this policy. However, employees are encouraged to disclose their pregnancy as soon as the condition is verified as a matter of safety for the mother and fetus. All information relating to the pregnancy shall remain confidential. The City shall make efforts to reasonably accommodate employees with respect to pregnancy, childbirth, or related medical conditions.
 - 1. At her discretion, an employee may notify her commanding officer or supervisor of her pregnancy at any point in her pregnancy; provided, however, that such employee shall immediately notify her commanding officer or supervisor that she is pregnant if at least one of the following conditions exists:

- a. The employee has been given physical restrictions or limitations by her physician that prohibit her from performing all aspects of her current assignment.
 - b. The employee requests any modification, exemption, or leave from her assigned duties.
 - OR –
 - c. The employee reaches the third trimester of pregnancy.
- 2. The notification that the employee is pregnant shall be in writing and shall include the anticipated due date and anticipated date of return to work (if known).
- B. Pregnant officers are eligible for temporary Limited Duty assignments appropriate to their physical capabilities and well-being.
- C. On a periodic basis, officers may be required to submit physician's medical certificates that document:
 - 1. The officer's physical ability to perform the present assigned duties.
 - 2. Any recommended duty restrictions or modifications including temporary Light Duty that require further explanation by the employee's physician.
- D. Pregnant officers shall be permitted to continue working on regular duty as long as they present monthly physician certificates or until a physician recommends that work be curtailed.

V. Concussions/Traumatic Brain Injuries

- A. Sworn employees who have suffered a concussion or traumatic brain injury, regardless of whether the injury occurred on or off duty, shall be required to work Limited Duty for a minimum of seven (7) calendar days from the date of the injury. The employee may be required to submit a medical release prior to being permitted to return to full duty.

VI. Return to Regular Duty

- A. When the employee is released for regular duty, they shall submit their medical documentation to the Employee Resource Sergeant. At this time, it shall be determined whether the employee shall be released to regular duty status or shall be assigned to the Training Unit, depending on the training missed due to sickness or injury.
- B. All supervisors and command officers shall make certain that the listed policy and procedures are followed in a timely manner.

REFERENCES:

I. Laws

- A. The Family Medical Leave Act, Fair Labor Standards Act, and Americans with Disabilities Act are referenced in this policy.
- B. Nebraska Revised Statute (NRS) [§48-1102](#) is relevant to this policy.
- C. Omaha Municipal Codes [§23-368](#), [28-370](#) and [23-371](#) are relevant to this policy.

II. Previous OPD Orders

- A. Previous General Orders: #23-99, 23-99 Supplement #1, 89-15, 79-17, 68-21, and 34-23.

III. Other

- A. PPM Monthly Updates: #2-2017.
- B. Employees' [collective bargaining agreements](#) may be applicable to this policy.

IV. Accreditation Standards

- A. Relevant CALEA Accreditation standards: 26.3.7.