



# EXTENDED SICK LEAVE & LIGHT DUTY

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### **I. EXTENDED SICK LEAVE**

#### **A. Definition**

Extended sick leave means use of sick leave for any period of time greater than three (3) consecutive work days. Such sick leave use requires the employee to provide a medical certification (refer to Index Code 701.C).

#### **B. Employee's Responsibility**

Employees who are absent on extended sick leave will update their supervisors with written documentation from their attending physician/health care provider after each medical appointment or whenever requested by the Department. Supervisors will forward all documentation from physicians/health care providers to the Police Personnel Section. Sworn personnel who are absent from work on extended sick leave may not wear a police uniform nor operate a county vehicle for the duration of the extended sick leave period.

#### **C. Family and Medical Leave Act (FMLA)**

**It will be the responsibility of the employee's immediate supervisor to contact the employee after three (3) consecutive days of sick leave to determine if the employee has a serious health condition which might necessitate placing the employee on FMLA.** If the supervisor believes the employee has an incapacity due to illness or injury which might result in absence from work in excess of six (6) work days, the supervisor will notify the Police Personnel Section (see IV of this Index Code).

The Police Personnel Section will review the employee's incapacitation and determine if the provisions of the Family and Medical Leave Act apply. If the employee is absent on extended sick leave due to his/her own serious medical condition, or the serious medical condition of a parent, child or other qualifying relative, and the employee is otherwise eligible for FMLA leave, the employee should, in most circumstances, be placed on FMLA leave. If an employee qualifies for FMLA leave and either elects to take FMLA leave or is placed on FMLA, the employee will be advised of his or her rights under FMLA. For specific guidance on the application of the FMLA, see Index Code 701.F.

### **II. LIGHT DUTY**

#### **A. Definition**

An employee is considered to be in a "light duty" status when he or she is unable to perform the duties and responsibilities required by his or her full time position, and has been released by the attending physician to perform duties less vigorous than required by their regular job assignment.

## **B. Policy**

The policy of this department is to provide temporarily incapacitated police officers and civilian employees with productive employment, consistent with the department's needs and the employee's specific incapacitation. In the case of sworn personnel, the policy is designed to insure the safety of the incapacitated officer, fellow officers, the public, and to address liability issues.

## **C. Light Duty Assignments**

To the extent possible, every effort will be made to provide employees who are injured in the line of duty with temporary light duty assignments in accordance with their medical limitations. Employees whose injuries are not work related will be given light duty assignments when such work is available. If a light duty assignment is unavailable for an employee injured outside the line of duty, the employee will be required to use leave. This policy will in no way be construed to mean that light duty is guaranteed.

Light duty assignments will be coordinated through the Police Personnel Section with approval of the affected bureau or division commander. An employee will not be placed in a light duty assignment without such coordination having taken place.

The procedures for considering/placing a sworn or civilian employee in a light duty position is as follows:

1. The employee being released for light duty will report to his/her supervisor and provide the supervisor with a physician's release for light duty. The light duty medical release must indicate the restrictions imposed on the employee during the light duty assignment and the date for the next medical evaluation.
2. The supervisor will complete the form entitled "Extended Sick Leave/Light Duty Status Report" (PD Form 308) and submit the report and physician's light duty release through the chain of command to the Police Personnel Section.
3. The Police Personnel Section will contact the Bureau of Administration Commander to determine the employee's light duty assignment.
4. An employee who qualifies for FMLA leave and who elects to take FMLA leave cannot be forced to accept a light duty assignment.

A sworn or civilian employee on light duty is responsible for providing medical documentation to his or her light duty-assignment supervisor on a regular basis (at least monthly) or whenever requested to do so by the Department. Supervisors of components having light duty personnel assigned are responsible for said light duty personnel as if the light duty personnel were regularly assigned to the component. The light duty employee will forward a copy of this medical documentation to the Police Personnel Section. In cases of work related illness or injury, the employee will keep the Police Personnel Section informed of any medical appointments scheduled by the Risk Management Division. The Police Personnel Section and Risk Management Division will coordinate the frequency of medical evaluations in cases of work related injuries when Risk Management has determined that the employee has reached maximum medical improvement.

5. It is the responsibility of the supervisor in the light duty assignment to ensure the attendance (*via Telestaff*) and performance of duties of the employee assigned to their Unit/Section/District. If there is a problem with an assignment, Police Personnel should be notified so that the situation can be reassessed.

## **D. Light Duty Restrictions**

All sworn employees in light duty assignments are subject to the following provisions:

1. An officer in a light duty status will be provided an assignment consistent with documented medical limitations. In some staff assignments, the employee's regularly assigned job may satisfy the light duty requirements.
2. The police uniform will not be worn during light duty assignments unless authorized by a supervisor.
3. An officer in light duty status will take no law enforcement action unless failure to do so would result in serious injury or death to the officer or another person. In some cases the police powers of the light duty officer may be

suspended. Where an officer is suffering from psychological or physical limitations that impacts upon their ability to perform their duties, the Police Personnel Section and the officer's supervisor will review the situation to determine if police powers should be suspended.

4. Unless circumstances prompt a waiver by the incapacitated officer's bureau or division commander, an officer who is not fit for full duty will be excluded from the PPV program and operation of a marked police vehicle for the duration of the incapacitation.

### **III. SECONDARY EMPLOYMENT WHILE ON EXTENDED SICK LEAVE OR LIGHT DUTY**

A. For sworn personnel who are in a light duty status, an injured line of duty status, or on extended sick leave, any continuation of secondary employment or entering into new secondary employment will require that the employee submit the following documentation to the applicable bureau or division commander:

1. Employment status (light duty, etc)
2. Name of secondary employer
3. Number of hours worked per week
4. Detailed description of the nature of work performed in the secondary employment

B. In the case of new secondary employment, such correspondence will accompany the Secondary Employment Request form.

C. In determining if continuation of existing secondary employment or the approval of new secondary employment is appropriate, the bureau or division commander will consider the following:

1. Does the secondary employment conflict with the employee's ability to perform light duty assignments?
2. Does the secondary employment adversely affect the employee's return to his or her full performance regular work assignment?
3. Does the secondary employment involve the performance of functions or activities that the employee has been determined unable to perform in his or her full performance regular work assignment?

D. A final determination as to whether secondary employment will be approved will be made by the officer's bureau or division commander.

### **IV. ADMINISTRATIVE RESPONSIBILITIES**

#### **A. Chief of Police**

The Chief of Police is required by County Code to:

“...report to the Personnel Officer an employee who loses excessive time from employment or appears to be suffering from a mental or physical disability that interferes with satisfactory job performance. The Personnel Officer will conduct the necessary investigation and make appropriate recommendations to the appointing authority for disability leave, accommodation, disciplinary action, or removal of the employee. The Personnel Officer may require the employee to undergo additional examinations to determine suitability for retention in active County service.”

#### **B. Police Personnel Section**

1. Upon receipt of an Extended Sick Leave/Light Duty form, the Police Personnel Manager will monitor the nature and extent of an employee's illness or incapacity, the employee's progress toward recovery, the likelihood or expected date of the employee's return to full duty, requests for accommodations, and the employee's use of leave. The Police Personnel Manager will make appropriate recommendations, supported by written documentation and justification, to the Commander of the Bureau of Administration.

2. When the Police Personnel Section receives a physician's certificate covering an illness in excess of six (6) days, an Extended Sick Leave form will be requested for the employee from the employee's commanding officer if the form has not already been received. If an Extended Sick Leave form is received without a physician's certificate, the Police Personnel Section will request the certificate from the affected employee and their commanding officer/manager. (If

this situation involves district personnel, the requests for the Extended Sick Leave form or physician's certificate will be sent to the District Commander.)

3. All medical documentation and Extended Sick Leave/Light Duty Status Report forms received by the Police Personnel Section will be date stamped.

**C. Bureau of Administration Commander**

The Commander of the Bureau of Administration will determine whether or not an ill or incapacitated employee should be subjected to specific restrictions, and to determine the extent of those restrictions, after review of pertinent medical records. In cases of prolonged absence, the Commander will provide guidance, recommendations, and documented justification to the Chief of Police.

**D. Supervisors**

1. Supervisors will ensure that a "First Report of Injury" report is promptly completed and forwarded to Police Personnel when there is a work related injury or illness.

2. It will be the responsibility of the immediate supervisor to contact a sick or incapacitated employee after three (3) consecutive days of sick leave to determine the employee's health status and anticipated length of absence from work. If the supervisor determines that the employee will be absent for no more than six (6) work days, the supervisor need only remind the employee that absences resulting in a charge to disability leave for more than three (3) consecutive working days, must be supported by a medical certification attesting to the incapacity of the employee. Supervisors will ensure the required medical certifications are submitted and forwarded to the Police Personnel Section.

3. The form entitled, "Extended Sick Leave/Light Duty" will be completed by the immediate supervisor of any sworn or civilian employee who either has, or anticipates, an absence from work because of illness or injury beyond six (6) work days. This form will be completed in each case, whether the absence is job related or non-job related. The form will be forwarded through the chain of command to the Police Personnel Section. Each reviewing supervisor in the chain of command will sign the form. The form will be accompanied by a physician's certificate containing enough information to ascertain the following:

- a. Whether or not the employee is suffering from a serious health condition;
- b. The medical facts that support the physician's certification;
- c. The approximate length of extended absence/light duty;
- d. The date of the next evaluation; and the intended course of treatment.

Supervisors will ensure that the required Extended Sick Leave/Light Duty form is completed and forwarded, via the chain of command, to the Police Personnel Section along with the original of the required physician's certificate.

The information provided will be used to determine if the employee will be placed under the provisions of FMLA.

4. When an employee informs a supervisor that he/she has a medical condition, it is the responsibility of the supervisor to ensure that the employee is physically capable of performing the duties of his/her position. Medical authorization designating full or limited duty is required. Similarly, if a supervisor observes that an employee has a medical condition that may impede the performance of his/her duties, the supervisor must investigate the situation. Medical authorization designating full or limited duty is required. Contact the Police Personnel Section for further direction.

**E. Time Keepers**

1. Time keepers will notify their commanding officer/manager whenever an employee takes more than three (3) consecutive disability leave days for which a required medical certification has not been provided by the employee.

2. Time keepers will forward the originals of all medical documentation, physician's certificates and Extended Sick Leave forms received to the Police Personnel Section.

3. Upon an employee's separation from the department, timekeepers must forward all personnel related documentation to the Police Personnel Section for processing.

**F. Commanding Officer/Manager**

Commanding officers/managers of sections, divisions, and districts will ensure that employees, officers, supervisors, and time keepers fulfill the requirements and their responsibilities as identified in this Index Code (701.D), Index Code 701.C, and Index Code 701.F.

Commanding officers/managers will also be responsible for seeing that appropriate/corrective action is taken in these situations cited in Section IV.E.1 of this Index Code.

District/Division Commanders must ensure that employees who are absent on extended sick leave are updating their supervisors with written documentation from their attending physician/health care provider after each medical appointment. Every 30 days that an employee is on extended sick leave or light duty, the commanding officer will conduct a follow-up with the employee to determine if there are any changes in their status.

**V. PROMOTIONAL CONSIDERATIONS**

**A.** Employees (sworn or civilian) on extended leave, light duty status or injured line of duty status who are certified to the Chief of Police for promotional consideration, may be asked narrowly tailored questions as to his or her ability to perform job-related functions of the promotional position. For example, those responsible for making promotional selections may describe or demonstrate the job functions of the promotional position and inquire whether or not the applicant can perform those functions. Further, the department may require a medical examination of an employee seeking promotion but only if the examination is job-related and can be justified as consistent with business necessity. The sole purpose of such examination will be to assess whether the employee is, or will be at a time consistent with business necessity, capable of performing the duties required by the vacant promotional position. If not, the physician will provide written justification of the medical opinion. The opinion will also consider if the employee is disabled within the meaning of the Americans with Disabilities Act (ADA) and if so, whether the employee could be reasonably accommodated in such manner as to permit the employee to perform the essential functions of the promotional position.

**B.** If the physician determines that the individual is incapable of performing such duties, with or without reasonable accommodations, and the individual will not be capable of performing such duties at the time consistent with business necessity, then the individual will not be considered for the promotion at that time. The individual will remain on the eligibility list, but will not be considered for promotion until such time as the employee's name reappears on a subsequent certification list and the individual has been re-evaluated by an approved physician indicating that the employee is capable of performing the duties required of the position, with or without reasonable accommodation when appropriate.

**VI. CONFIDENTIALITY OF MEDICAL RECORDS**

Any medical records obtained under this Index Code or other departmental regulation will be collected and maintained on separate forms and in separate medical files. Such files will be treated as confidential medical records except that supervisors and managers of the employee may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. Further, first aid and safety personnel may be informed, when appropriate, if a medical condition might require emergency treatment.

**VII. PROPONENT UNIT:** Police Personnel Section.

**VIII. CANCELLATION:** This directive cancels Index Code 701.D, dated ***11-16-16***.