



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 302C

Policy Name Disabled/Limited Duty Personnel

Approved by *Wendell Franklin, Chief of Police*

Effective Date 02/15/2011

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Previous Date 10/14/2008

PURPOSE OF CHANGE:

To update policy format.

POLICY:

When an employee returns to work following an injury or illness, they may be temporarily assigned to limited duties when they have, in the opinion of the City Physician, a temporary physical or mental condition that prevents the employee from performing their essential job functions. An employee may also be placed on limited duty status for administrative reasons by the Chief of Police, or designee. All temporary limited duty assignments will be made in accordance with either the *City of Tulsa's Safety and Health Manual*, Section 113, *Temporary Modified Duty Assignment Policy* or the current *Collective Bargaining Agreement*, this policy, as well as state and federal laws. Sworn personnel will follow the current *Collective Bargaining Agreement* and non-sworn personnel will follow the *City of Tulsa's Safety and Health Manual*, Section 113, *Temporary Modified Duty Assignment Policy*.

Sworn employees will not be placed in permanent limited duty assignments. When the City Physician determines that an employee has a permanent physical or mental condition that prevents the employee from performing their essential job functions, every attempt will be made to place the permanently disabled employee in a non-sworn position for which they are qualified in accordance with *the City's Personnel Policy and Procedure Manual*, Section 125, *Employees with Disability* and Section 600, Disability Review Committee as well as, state and federal laws.

"Except as may be prohibited by law, an employee who has a disability or a medical condition which prevents them from performing the essential function of their current position, either with or without an accommodation, shall normally be disability separated upon the earlier of (1) a determination that the employee will be unable to return to full duty within twelve (12) months, or (2) the employee has been absent from work for twelve (12) months", *City's Personnel Policy and Procedure Manual*, Section 125, *Employees with Disability* and Section 606.10.

SUMMARY: Use of temporary limited duty personnel and the reporting requirements for disabled employees.

APPLIES TO: All police personnel

DEFINITIONS:

ADMINISTRATIVE LIMITED DUTY – a restricted, temporary assignment for administrative reasons, e.g. fitness for duty evaluation.

DISABILITY – a temporary or permanent physical or mental condition that prevents an employee from performing all of their essential job functions without accommodations.

FITNESS FOR DUTY – an evaluation to determine if an employee has a physical or mental impairment that would affect their ability to perform their job duties.

LEAVE – sick leave, injury leave, and leave without pay due to injury or illness.

LIMITED DUTY – a restricted temporary assignment compatible with the employee’s physical and/or mental condition as diagnosed by the City Physician.

PROCEDURES:

A. WHEN PLACED ON LIMITED DUTY FOR A TEMPORARY DISABILITY DUE TO A MEDICAL REASON:

1. If for pregnancy, the employee will obtain a signed Physician’s Statement from the private doctor listing all duty restrictions and/or special requirements.
2. If restrictions were made by a private doctor, for other than pregnancy, the employee will report to the City Physician for assessment by the end of the next business day.
3. Following assessment by the City Physician, the employee will obtain a signed *City Medical Route Sheet* listing duty restriction, special requirements, and/or follow-up appointments from the City Physician.
4. The employee will submit the route sheet or the Physician’s Statement to their immediate supervisor on the day it was received.
5. When a medical referral is made by the City Physician, the employee will obtain a Medical Referral Slip.
6. The employee will return the completed referral slip to the City Physician’s office within 48 hours following an appointment with a consulting physician.
7. The immediate supervisor will forward the City Medical Route Sheet or the Physician’s Statement to the administrative lieutenant. The administrative lieutenant will forward the form to the employee’s division commander through the chain of command with copies to the employee’s divisional file and Police Personnel/Budget to be placed in the employee’s personnel file.
8. The division commander will review and determine if the employee is able to temporarily assist their assigned division as a sworn police employee in a capacity that reasonably accommodates their injury and/or illness.
9. If the employee is not scheduled to return to full duty within one month, the division commander will notify the Chief of Police.
10. If the employee is transferred to another division, the division commander will forward the employee’s time sheet, and divisional file, along with a copy of the *Medical Route Sheet* or Physician’s Statement to the appropriate division.
11. Until the employee is released to return to full duty, the Chief of Police will determine if the employee can be temporarily reassigned to another division within the Police Department or must be placed on the appropriate leave.
12. Any employee on temporary limited duty for a medical reason exceeding thirty (30) days will return to the City Physician every thirty (30) days for an updated routing slip.
13. Division commanders will maintain a current list of personnel assigned to their division who are on sick leave, injury leave, leave without pay due to injury or illness, or limited duty assignment and shall provide this information to Police Personnel.
14. Police Personnel shall send a monthly report to the Human Resources Department listing all employees who have been on Sick Leave, Injury Leave, Leave Without Pay, Light Duty Assignment, or a combination thereof, for any period exceeding sixty (60) consecutive days or sixty (60) cumulative days within the previous six (6) months.

15. A disabled employee that is unable to return to full duty within thirty (30) days may be referred to the Disability Review Committee in accordance with City of Tulsa Policy and Procedure 601. 4 by:
 - a. The Legal Department
 - b. The City Physician
 - c. The Injured or disabled employee
 - d. The Human Resources Department
 - e. The Chief of Police or his designee
16. An Employee who is listed on a Disability Review Committee agenda shall receive notification of the meeting and shall comply with the notification in accordance with City of Tulsa Policy and procedure section 601.5, Disability Review Committee Meeting.

B. WHEN PLACED ON ADMINISTRATIVE LIMITED DUTY:

1. If an employee is placed on limited duty pending a fitness for duty evaluation, the Chief of Police, or designee, will notify the employee by Personnel Order where to report for the evaluation.
2. If an employee is placed on limited duty pending the outcome of a criminal investigation or the resolution of charges, the Chief of Police, or designee, will notify the employee by Personnel Order when they are approved to return to full duty status.

C. WHEN IT BECOMES APPARENT TO AN EMPLOYEE THAT THEY MAY BE PERMANENTLY DISABLED:

1. The employee will notify their immediate supervisor, as soon as possible, after they become aware of their disability.
2. The immediate supervisor will notify the Chief of Police of the employee's permanent disability through the employee's chain of command.
3. The immediate supervisor will contact the Disability Coordinator in the Human Resources Department who will arrange an appointment for the employee to be assessed by the City Physician.
4. The employee will furnish the City Physician with applicable medical records, if requested.
5. The City Physician will determine if the employee is capable of performing all of their essential job functions.
6. If it is determined that a permanent disability does exist:
 - a. The City Physician will complete a *Letter of Disability Evaluation* and forward it to the Chief of Police with a copy to the Human Resources Department.
 - b. Human Resources will notify the disabled employee in writing of the City Physician's findings.
7. The Human Resources Department will meet with the disabled employee to assess their job experience, knowledge, and skills. The employee will be notified by the Human Resources Department of any vacant non-sworn positions within the city in which they are qualified.
8. If possible, the disabled employee will be either reassigned to a non-sworn position within the Police Department; or be relocated to another department within the City.
9. If the disabled employee cannot be placed in a position that reasonably accommodates their disability within 60 days following written notice of the City Physician's assessment, the Human Resources Department will schedule the employee to meet with the Disability Review Committee.

10. The division commander will forward the disabled employee's time sheet and personnel file to either the employee's assigned division, or Police Personnel/Budget if the employee is transferred outside the Police Department or has been terminated.
11. The Disability Review Committee will review the facts relating to an employee's disability in accordance with *City Personnel Policies and Procedures Manual*, Section 600, Disability Review Committee, and determine if:
 - a. The disabled employee is qualified for any vacant positions within the city and they are able to perform the essential functions required in that vacant position; or
 - b. Disability separation procedures should be initiated.

D. TULSA POLICE RESERVE OFFICERS (TPR):

1. Notify the TPR coordinator, as soon as possible, after a TPR becomes aware of a temporary or permanent disability.

If an employee is unable to keep their appointment with the City Physician, they will make the necessary schedule changes.

REGULATIONS:

1. All limited duty assignments for sworn police personnel within the Tulsa Police Department shall be temporary.
2. If the number of limited duty personnel exceeds the number of temporary assignments, employees who have incurred job related injuries shall be placed in a temporary assignment first.
3. Employees on limited duty shall not wear a TPD uniform or operate a city vehicle unless approved by the Chief of Police or designee.
4. Employees on limited duty may be permitted to carry a firearm when approved by the Chief of Police or designee.
5. Employees on limited duty shall not be permitted to work off-duty jobs in police uniform unless approved by the Chief of Police.
6. Supervisors shall handle all reports and records relating to an employee's disability in a confidential manner.
7. All reports and records relating to an employee's disability shall be maintained in a confidential file in the City Physician's Office.

REFERENCES:

City of Tulsa Personnel Policy and Procedure, Section 125, *Employees with Disability* and Section 600
City of Tulsa Safety and Health Manual, Section 113, *Temporary Modified Duty Assignment Policy*
302 Attachment, *Line of Duty Injury Reporting – Attachment*
Collective Bargaining Agreement, Article 16