



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 22.2

TITLE: LIMITED-DUTY ASSIGNMENTS

EFFECTIVE: 12/10/2017

REVISED: Replaces Policy 1054

PURPOSE

To establish the authority for temporary limited-duty assignments and procedures for granting temporary limited-duty assignments to eligible employees. The effective use of employee skill and talent is important to the operation of the Department, including, when practicable, periods when an employee's ability to work may be temporarily limited or restricted. Temporary limited-duty assignments can provide benefits to the Department and employees.

POLICY STATEMENT

1. Limited-duty assignments are for commissioned officers and civilian employees who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments.
2. The use of temporary limited-duty assignments is intended to provide employees with an opportunity to remain productive while recovering 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.
3. Eligible personnel shall be given a reasonable opportunity to work in a limited-duty capacity where appropriate assignments are available and consistent with this Chapter.
4. Limited-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim.
5. The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

DEFINITIONS:

Eligible Personnel—Any full-time commissioned or civilian employee of this department suffering from a medically certified injury or disability requiring treatment from a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform his/her regular assignment but is capable of performing an alternative assignment.

Limited Duty—A temporary limited-term assignment not requiring performance of the full range

of duties associated with the regular job classification. Limited duty also may be termed as light-duty assignments.

LIMITATIONS

6. Temporary limited-duty positions are limited in number and variety and may not be available at any particular time.
7. To qualify and be considered for a limited-duty assignment, the employee shall be transferred to Administrative Duties Division (ADD) for monitoring and supervision prior to granting such an assignment.
8. Transfer to Administrative Duties Division and Physician's Examination Certification entry requirements are available in the MSB - Administrative Duties Division office. **Physician's Examination Certification (NOPD Form 50)** can be found at <http://www.nopd.org> under the Forms tab.
9. The Department will conduct a pre-termination hearing, according to **Rule IX of the Civil Service Rules**, relative to Maintaining Standards of Service every 30 days for employees assigned to Administrative Duties Services. The hearing will be held within 15 calendar days after the employee is notified of such in writing following Civil Service Rules.
10. Personnel injured or otherwise disabled whose classification has been deemed in the line of duty shall be given preference in initial assignment to limited-duty.
11. Under the Worker's Compensation Statute, the Department shall provide a temporary limited-duty assignment to those employees who may return to a modified position consistent with their rehabilitation (La R.S. 23:1226).
12. The Deputy Chief of MSB may change temporary limited-duty assignments at any time, if deemed in the best interest of the employee or the agency.
13. This Chapter shall not affect the rights of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State law.
14. Assignment to limited duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other City employee benefits.
15. No specific, long-term or permanent position within this Department shall be established for use as a temporary limited-duty assignment, nor shall any existing position be designated or designed exclusively for personnel on limited-duty.
16. Limited-duty assignments are strictly temporary and shall not exceed six months in duration unless specifically authorized in writing by the Deputy Chief of MSB.
17. After six months, personnel on temporary limited-duty assignment who are not capable of returning to their original full duty assignment shall do one of the following:
 - (a) Present a request for extension of limited duty, with all necessary supporting documentation, including a current NOPD Form 50, to Administrative Duties Division. This form must include a detailed description of the employee's restrictions and limitations which prohibit him/her from serving in full-duty capacity and be submitted on or before 10 calendar days of the six month deadline.

- (b) Pursue other options as provided by employment provisions of this agency through Civil Service, Federal or State law.
 - (c) Avail themselves of one or more authorized paid leave classifications.
18. Employees unable to return to full-duty status after assignment to a limited-duty position for one year (365 days) must do one of the following prior to the 365th day on limited-duty:
- (a) Request and receive approval for a medical leave of absence.
 - (b) Apply and receive approval for a disability retirement.
 - (c) Resign.
 - (d) Pursue other options as provided by employment provisions of this Department through Civil Service, Federal or State law.
 - (e) Avail themselves of one or more authorized paid leave classifications.
19. Employees on temporary limited duty are prohibited from engaging in outside employment and police secondary employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of this Department and which form the basis for their temporary limited-duty assignment.
20. Depending upon the nature and extent of the disability, a commissioned officer on limited duty may be prohibited or restricted from wearing the departmental uniform and carrying the service weapon or otherwise limited in using police powers as determined by the Superintendent of Police or his/her designee.
21. **Limited-duty assignments shall not be utilized for disciplinary purposes.**
22. Employees may not refuse temporary limited-duty assignments which are supported by and consistent with the recommendations of an attending physician or certified health-care provider.
23. Employees may protest temporary limited-duty assignments by using established agency grievance procedures (see: **Chapter 25.1 – Employee Grievances**).
24. Failure or refusal to accept a temporary limited-duty assignment may result in a 50% reduction in the employee's weekly Worker's Compensation benefits pursuant to La R.S. 23:1226(E).
25. Failure to accept a limited-duty assignment may also result in initiation of Rule IX proceedings.

PROCEDURE FOR REQUESTING LIMITED-DUTY ASSIGNMENT

26. Employees may request assignment to limited-duty by completing Form 50 and providing a signed statement from their health care provider describing their restrictions, limitations and expected duration of the restrictions to their Bureau Chief. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.
27. The Bureau Chief will determine what limited-duty assignments, if any, are available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular limited-duty assignment. Requests for a limited-duty assignment of 20 hours or less may be approved and facilitated by the employee's Commander or Bureau Chief.

TEMPORARY LIMITED-DUTY ASSIGNMENTS

28. Temporary limited-duty assignments may be available from a range of technical and administrative areas of the Department which include, but are not limited to, the following assignments:
 - (a) Administrative functions (e.g. report review);
 - (b) Clerical functions (e.g. filing);
 - (c) Desk assignments (e.g. administrative duties); or
 - (d) Report taking (e.g. Alternative Police Response Unit (APRU)).
29. Administrative Duties Division shall maintain a listing of available job assignments that qualify for use as temporary limited-duty assignments.
30. Decisions on 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 limited-duty assignments; and the physical limitations imposed on the employee.
31. When possible, employees shall be assigned to positions consistent with their rank and pay classification.
32. Personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees thus assigned shall:
 - (a) Retain the privileges of their rank;
 - (b) Answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
 - (c) Retain their pay classification and related benefits held prior to their assignment to temporary limited-duty.

REQUEST FOR AND ASSIGNMENT TO TEMPORARY LIMITED DUTY

33. Requests for temporary limited-duty assignments shall:
 - (a) Be submitted to the Commander of Administrative Duties Division by the employee; and
 - (b) Be accompanied by a Form 50 and a statement of medical certification to support a requested reassignment, signed either by the treating physician or other appropriate licensed healthcare provider.
 - i. The medical certification must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the limited-duty assignment and the fact the employee can physically assume the duties involved.
34. Commander of Administrative Duties Division shall make a determination regarding assignment.
35. Administrative Duties Division may require the employee to submit to an independent medical examination by a health provider of the Department's choosing.
36. In the event the opinion of this independent medical health provider differs from the employee's health provider, the employee may request a third opinion at the employee's expense.
37. The employee and representatives of this 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.

38. An employee not assigned to Administrative Duties Services, who has not requested temporary limited-duty, may be recommended for such assignment by submission of a request from the employee's immediate supervisor or unit commander. An employee assigned to Administrative Duties Services who has not requested temporary limited-duty may be recommended by the Commander of the Administrative Duties Section. Such a request must be accompanied by an evaluation of the employee conducted by a competent medical authority documented on a Form 50, expressing the need or justification for a return to limited-duty, or by a request for a medical or psychological fitness for duty examination. Conditions include:
- (a) Notice shall be provided to the employee of the proposed limited-duty assignment with justification for the recommendation.
 - (b) The employee may challenge the proposed reassignment using established agency grievance procedures.
 - (c) Pending results of a grievance procedure, an employee may be reassigned if, in the opinion of the Superintendent of Police, failure to reassign may jeopardize the safety of the employee, other employees or the public.
39. As a condition of continued assignment to a limited-duty position, employees shall submit to monthly physical assessments of their condition as specified by Administrative Duties Division.

LIMITED-DUTY SCHEDULES

40. The schedules of employees assigned to limited duty may be adjusted to suit medical appointments or department needs at the discretion of the employee's Bureau Chief.
41. The employee and his/her supervisors shall be informed, in writing, of the schedule, assignment, and limitations and restrictions pertaining to the temporary limited-duty assignment as determined by the employee's health care provider.

ACCOUNTABILITY

42. The employee's limited-duty assignment supervisor shall ensure proper time accountability and shall complete and process a change of shift/assignment form.
43. Responsibilities include:
- (a) Employees on limited duty shall coordinate required doctor visits and physical therapy appointments in advance with their limited-duty assignment supervisor to appropriately account for any duty time taken.
 - (b) Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
 - (c) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their limited-duty assignment supervisor of any change in restrictions or limitations as determined by their health care provider.
 - (d) An employee assigned to a limited-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on limited-duty.
 - (e) Limited-duty assignment employee supervisors shall keep his/her Bureau Chief apprised of the employee's status and ability to perform the limited-duty assignment.
 - (f) Limited-duty assignments that extend beyond 60 days will require a written status

report and a request for an extension to the Bureau Chief, with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Superintendent of Police or his/her authorized designee.

- (g) When it is determined that an employee on limited duty will return to regular duty, the limited-duty assignment supervisor shall notify his/her Bureau Chief and complete and process a change of shift/assignment form.
- (h) All training and certification necessary for the employee's return to full duty shall be reviewed by the limited-duty assignment supervisor, scheduled by/for the employee as necessary and documented in writing to the employee and the Bureau Chief. This includes, at a minimum, annual in-service training, firearms re-qualification, driver training and all mandatory annual training for the employee's job classification.

MEDICAL EXAMINATIONS

- 44. The Department reserves the right to require, prior to the employee returning to full-duty status, a fitness-for-duty examination of any employee assigned to a limited-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.
- 45. Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

PREGNANCY

- 46. It is the policy of the Department to reassign employees who are pregnant to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities (La R.S. 23:342). This may be upon request of the employee or when deemed necessary by the Department.

EMPLOYEE NOTIFICATION OF PREGNANCY

- 47. An employee should notify her immediate supervisor or a designated acting supervisor as soon as practicable after learning of her pregnancy. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.
- 48. While assigned to limited duty, pregnant employees must submit, on a monthly basis, a physician's medical certificate and a Form 50 that documents:
 - (a) The employee's physical ability to perform the present assigned duties;
 - (b) The physician's appraisal that the type of work being performed will not injure the employee or her expected child;
 - (c) Any recommended duty restrictions or modifications including limited duty.

SUPERVISOR'S RESPONSIBILITY FOR EMPLOYEE PREGNANCIES

- 49. Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the employee's supervisor shall notify his/her Bureau Chief.
- 50. The Bureau Chief shall consider assigning the employee to an available temporary limited-duty assignment if it is deemed appropriate by the Department and medically

necessary by the employee's health care provider.

51. If at any point during the pregnancy it becomes medically necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's personnel rules and regulations regarding family and medical care leave.

PROBATIONARY EMPLOYEES

52. Probationary employees who are assigned to a temporary limited-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to limited-duty, not to exceed one year.

MAINTENANCE OF CERTIFICATION AND TRAINING

53. Employees assigned to limited-duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions.
54. Employees who are assigned to limited duty shall inform their supervisor of any inability to maintain existing certification, training or qualifications.