



## MISSOULA POLICE DEPARTMENT POLICY MANUAL

**Subject:**

### LIGHT DUTY ASSIGNMENTS

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**Chapter**  
**13**

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**13.91**

**Distribution:**

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**Workers Compensation;**

### I. Purpose

This policy establishes the authority for temporary light-duty assignments and procedures for granting temporary light duty to eligible officers within the Missoula Police Department.

### II. Policy

Temporary light-duty assignments, when available, are for officers who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light duty can provide officers with an opportunity to remain productive while convalescing, 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. Therefore, it is the policy of the Missoula Police Department that eligible personnel are given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

### III. Definitions

**Eligible Personnel:** For purposes of this policy, any Missoula City Police Officer suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform regular assignments, but is capable of performing alternative assignments. It is not required that the illness, injury or disability be sustained in the line of duty.

1. Procedures for pregnancy are detailed in Section IV.D. of this Policy.

**Family and Medical Leave Act (FMLA):** Federal law providing for up to 12 weeks of annual unpaid leave for workers due to illness, injury or certain other family conditions or situations.

## **IV. Procedures**

### **A. General Provisions.**

1. Temporary light-duty positions are limited in number and variety.
  - a. Personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light duty; and
  - b. Assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee and/or the Missoula Police Department.
  - c. Particular assignments are at the discretion of the Department and, so long as they are consistent with the recommendations of an attending physician or certified healthcare provider, shall be based upon the needs of the Department and not the preferences of requesting officer.
2. This policy in no way affects the privileges 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.
3. Assignment to temporary light duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits such as bonus pay for special assignments including but not limited to canine handlers or special weapons and tactics (SWAT).
4. No specific position within the Missoula Police Department shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.
5. Light-duty assignments are strictly temporary and normally should not exceed six months in duration. After six months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:
  - a. Present a request for extension of temporary light duty, with supporting medical documentation from the treating professional, to his/her Division Captain; or
  - b. Pursue other options as provided by employment provisions of the Missoula Police Department, the City of Missoula, or federal or state law.
6. Officers on temporary light duty are prohibited from engaging in outside 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 the Missoula Police Department and that form the basis for their temporary light-duty assignment.

- a. A temporary light duty assignment shall be immediately terminated if the officer is found to be engaged in any off duty employment that is inconsistent with the restrictions surrounding the temporary light duty assignment.
- 7. Depending upon the nature and extent of the disability, an officer on temporary light duty may be prohibited or restricted from wearing a departmental uniform, carrying a service weapon or otherwise limited in employing police powers as determined by the Chief of Police so long as such limitation is consistent with the provisions of IV.B and IV.C of this policy. Any such restrictions shall be made known in writing to the officer at the time he/she receives a temporary light duty assignment.
- 8. Light-duty assignments shall not be made for disciplinary purposes.
- 9. **Officers who experience a work related injury or disability** may go on temporary light duty status as a result of being released to do so by an attending physician or certified healthcare professional. Such officers may not refuse a particular assignment if that assignment is supported by and consistent with the recommendations of the attending physician or certified health-care provider. In lieu of accepting the assignment, they may choose to take vacation time or compensatory time, but not sick time. Conflicts regarding implementation of this portion of the policy will be managed by the City of Missoula's Personnel Department and worker's compensation insurance carrier.
- 10. **Officers experiencing an injury or disability that is not work related, or an illness, may request a temporary light duty assignment.** These officers have the option of accepting an offered light duty assignment(s) that is supported by and consistent with the recommendations of an attending physician or certified healthcare provider, or of withdrawing the request and taking accrued paid leave of any kind.
- 11. Officers wishing to contest any of the provisions of this policy may do so through the provisions of the collective bargaining agreement.

B. Temporary Light-Duty Assignments.

- 1. Temporary light-duty assignments may be drawn from a range of technical and administrative areas, and by means of this policy the Missoula Police Department has established an inventory of available job assignments that may be used for temporary light duty. These assignments include but are not limited to the following:
  - a. Radio desk,
  - b. Property clerk,

- c. Background Investigations,
  - d. Strategic Planning Unit.
- 2. Officers on temporary light duty shall fall under the jurisdiction of the Administrative Division for the duration of the light duty assignment. However, they may receive assignments and report daily to supervisors outside the Administrative Division. The Captain of that Division will inform the officer in writing of his/her assignment, and the conditions thereof.
- 3. Temporary light-duty assignments shall take into account the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer. In the event that more than one assignment meets these criteria, the choice of assignment shall be based upon the needs of the Department.
- 4. Every effort shall be made to assign officers to positions consistent with their rank and pay classification. However, where deemed appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. If Officers are assigned to lower level assignments, they shall:
  - a. Retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
  - b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.
- C. Requests and Assignment to Temporary Light Duty.
  - 1. Requests for temporary light-duty assignments shall be submitted in writing to the officer's Division Captain. Requests from Staff Officers shall be submitted directly to the Chief of Police. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by either the treating physician or other licensed health-care provider. The certificate 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 light-duty assignment and the fact that the employee can physically assume the duties involved.
  - 2. The request for temporary light duty and the physician's statement shall be forwarded to the City of Missoula Personnel Department, where appropriate staff shall make a recommendation to the Chief of Police or his designate regarding the assignment.
    - a. **In cases of work related injury or disability**, all issues regarding confirmation of the officer's current medical status will be

managed on the Department's part by the City of Missoula's worker's compensation insurance carrier.

- b. **In cases of non-work related injury or disability, or illness**, it is the officer's responsibility to provide confirmation of his/her need for light duty that is satisfactory to the Missoula Police Department and the City of Missoula Personnel Department. Prior to re-assignment to light duty due to a non-work related injury, disability or illness, the officer must first use a minimum of 40 hours of his/her sick time.
  - 3. An officer who has not requested temporary light duty may be recommended for such assignment by submission of a written request from his/her immediate supervisor or Division Captain. Such request must include a detailed and documented account of the reason why the assignment is being requested and a request/order for a medical or psychological fitness-for-duty examination if such an examination has not already been performed.
    - a. Notice shall be provided to the employee of the proposed temporary light-duty assignment together 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 Chief of Police, failure to reassign may jeopardize the safety of the officer, other employees, or the public.
  - 4. As a condition of continued assignment to temporary light duty, officers may be required to submit to monthly physical assessments of their condition as specified by the Chief of Police or the City of Missoula Personnel Department.
- D. Pregnant Officers. Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being. For pregnant officers, temporary light duty assignments shall be requested, recommended and administered in the same manner as all other light duty assignments. However, pregnant officers *may be requested* to submit a physician's assessment of the officer's physical ability to perform regular duty, the physician's appraisal that the type of work being performed will not injure the officer and/or her expected child, and any recommended duty restrictions or modifications, including temporary light duty, or changes in light duty restrictions.
- E. Return to Full Duty. No officer shall be released from light duty to return to full duty until the Department has received a written release to do so from the officer's physician or certified health care professional.