

Transitional (Light) Duty Assignments

1054.1 PURPOSE AND SCOPE

To set forth conditions and policy controlling the assignment of personnel to transitional duty status within the Police department. Transitional duty assignments provide temporary, alternative work for up to ninety (90) days from the time of the initial injury, illness, or disability.

1054.2 ELIGIBLE PERSONNEL

For purposes of this policy, any full time employee of this department suffering from an injury or disability who is temporarily unable to perform their regular assignments without restrictions will be considered for a transitional duty assignment.

1054.3 GENERAL PROVISIONS

- (a) The department's ability to provide transitional duty assignment positions is very limited. Therefore:
 1. Personnel injured or disabled in the line of duty will be given preference in receiving transitional duty assignment positions over personnel injured in an off duty event.
 2. Assignments may be changed at any time, if deemed in the best interest of the employee or agency.
 3. Transitional duty assignments are granted at the convenience of the department and may be discontinued without advance notice.
- (b) This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, California Family Rights Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
- (c) Transitional duty assignments shall not affect an employee's pay classification, pay increases, promotions, retirement benefits, or other regular employee benefits. Employees assigned to transitional duty assignments shall not be compensated for on call or standby pay unless they remain subject to call out in their light duty capacity.
- (d) There are no permanent transitional duty assignments, nor shall any existing position be designated or utilized exclusively for personnel on a transitional duty assignment.
- (e) Transitional duty assignments are strictly temporary and will be reevaluated every 90 days. **One 90 day extension may be granted upon a written request and may be granted at the sole discretion of the Chief of Police.** Normally transitional duty assignments will only be granted with a specific and definitive prognosis for return to normal duty.

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- (f) Employees on transitional duty assignment are prohibited from engaging in any form of outside employment or recreational activity that may reasonably exceed the limitations used as the basis for their transitional duty assignment.
- (g) Depending upon the nature and extent of the disability, an officer on transitional duty assignment may be prohibited or restricted from wearing the departmental uniform, carrying a service weapon or otherwise limited in employing police powers as determined by the Chief of Police.
- (h) Transitional duty assignments shall not be made for disciplinary purposes.

1054.4 TEMPORARY TRANSITIONAL (LIGHT) DUTY ASSIGNMENTS

Transitional duty assignments shall be considered on a case-by-case basis and such assignments shall be made at the convenience of the Chief of Police, keeping the best interests of the department in mind. Transitional duty assignments are for personnel in this department who, because of injury, illness or disability have temporary restrictions placed on them by a licensed physician.

Personnel not assigned to patrol may continue to perform their assigned duties if their work restrictions do not conflict with their assigned duties. The decision to allow personnel to remain in their assigned duty will be made by the Division Commander or his/her designee. If left in their current assignment, the employee will still be considered as working in light duty status and subject to the transitional duty assignments policy (1054) and specifically 1054.3 (e).

Although the Chief of Police or designee will ultimately determine where personnel will be assigned, sworn personnel assigned to uniform functions such as patrol, traffic, MET, or bikes may be assigned to one of the following positions.

- (a) The following are positions that will be considered for transitional duty based on the restrictions of the employee. These positions will be provided on a first come first serve basis with preference being given to employees who have restrictions caused by a work related injury/illness.
 1. Front Desk (2)
 2. Traffic Counter
 3. Records Phone Console
 4. Live Scan Room
 5. Dispatch (Must be qualified as a dispatcher or call-taker)
 6. Report Review (2) (Only available to sworn employees Corporal rank and above) (S012-12)
 7. Administrative Division
- (b) Transitional duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills, and abilities coupled with the limitations imposed on the employee.

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- (c) An employee's assignment will be paid at their normal rate of compensation. Every effort shall be made to assign employees to positions consistent with their rank and pay classification. Personnel may be assigned to positions designated for personnel of a lower rank or pay classification.

1054.4.1 REQUESTS FOR ASSIGNMENT TO TRANSITIONAL (LIGHT) DUTY ASSIGNMENT

- (a) Employees with a physician's notice of limitations caused by an injury, illness, or disability shall submit it to their division commander.
 1. The employee may be required to submit to an independent medical examination by a physician of the City's choosing.
 2. Failure or refusal to provide satisfactory medical documentation in support of the injury, illness, or disability shall be sufficient grounds for denial or termination of the transitional duty assignment.
- (b) An employee who is unable to work due to an injury, illness, or disability and has not requested transitional duty assignment may be recommended for such assignment by, the Chief of Police or the Human Resources Director.

1054.4.2 ACCOUNTABILITY

- (a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. 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.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.
- (c) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1054.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

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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.

1054.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities. For the purposes of this policy, pregnancy is excluded from the 90 day rule and employees do not need to submit an extension for light duty assignments.

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes 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.

1054.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to the employee's assignment to modified duty.

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1054.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.