

Policy Number: 07-003

# Lucas County Sheriff's Office Policy and Procedure



Approved by Sheriff:

*Michael J. Navarre*

Sheriff Michael J. Navarre

DATE FOR REVIEW:

Pages:

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SECTION:

## LIGHT-DUTY POLICY

### I. POLICY

The Lucas County Sheriff's Office provides a limited number of positions utilized by employees for reason of not being physically fit, who cannot perform the required tasks of their regular assigned position.

### II. PROCEDURE

#### A. LIGHT-DUTY GENERAL STATEMENT

1. Providing Light-Duty work is a method of utilizing skills and knowledge of employees temporarily precluded from the performance of their normal work due to not being physically fit.
2. Light-Duty work allows an employee to maintain basic skills or learn new skills in a defined and structured position.
3. In most cases, Light-Duty work is therapeutic and can prevent the associated despondency that frequently results from prolonged absence from work, thus often expediting the employee's recovery.
4. Light-Duty assignments will not be the result of any disciplinary action taken against employees.

#### B. "LIGHT-DUTY" DEFINED

1. Light-Duty is temporary work status when an employee is temporarily restricted, by their treating physician, and/or health care provider, from performing the regular full duties of their assigned job because of not being physically fit.
2. Light-Duty is work, which is productive and contributes to the accomplishment of the mission, goals, and objectives of the agency.
3. Light-Duty is work, which the employee is qualified and possesses the necessary skills and abilities to perform.

4. Light-Duty work, which is consistent with medically determined restrictions, as indicated by the employee's treating physician.

#### C. ELIGIBILITY FOR LIGHT-DUTY

1. All full-time agency employees are potentially eligible for Light-Duty assignment as defined in this policy.
2. In order for an employee to be eligible for Light-Duty, a Light-Duty position in the office must be available.
3. A doctor's certification for Light-Duty and the proper documentation will be provided by the employees as stipulated in this policy.
4. In any case, Light-Duty assignment must be medically suitable. The employee must be capable of performing all of the work without violating a medical restriction.

#### D. ASSIGNMENT TO LIGHT-DUTY

1. Once the Personnel Director has approved the medical certification of fitness, the Director will assign the employee to a Light-Duty assignment within the office.
2. If several employees are not physically fit at the same time requiring Light-Duty, seniority will determine who is eligible for the limited number of positions.
3. Employees already in a Light-Duty position will remain in Light-Duty over an employee, who has seniority and who is in need of the Light-Duty.
4. Light-Duty is a privilege and not an absolute right for an agency employee.

#### E. TERMINATION OF LIGHT-DUTY

1. Light-Duty assignment will cease if any of the below statements apply:
  - a. The employee fails to comply with the responsibilities and procedures set out in this policy or related policy.
  - b. The treating physician returns the employee to their original regular duty position with no restrictions.
  - c. The treating physician temporarily prohibits the employee from continuing with a Light-Duty assignment.
  - d. The employee has reached the time limit for their Light-Duty position.
  - e. All Light-Duty positions will be a maximum time limit of eight (8) weeks per physical fitness condition, unless an extension has been approved by the

Sheriff. An exception to the eight (8) weeks will be for pregnant employees who require approval from the Director of Personnel for additional time on Light-Duty.

- f. An employee may begin Light-Duty, go on medical leave, for example, and then return to Light-Duty for the same physical fitness condition. Light-Duty time begins accruing towards the maximum time limit when the employee originally begins Light-Duty for the physical fitness condition, and will only be accrued during the time the employee is actually on Light-Duty.

F. RATE OF PAY WHILE ON LIGHT-DUTY

- 1. An employee on a Light-Duty assignment will retain their regular rate of pay and position title during the time they are on Light-Duty.
- 2. An employee on Light-Duty is eligible for rate increases as called for, as though they were in their original position, except in the case of unsatisfactory performance by the employee.
- 3. A return to work in a Light-Duty assignment will terminate any wage continuation benefits the employee may be receiving under any workman's compensation program.
- 4. If an employee is able to return to work, performing their Light-Duty on an "abbreviated workday" basis, the employee must supplement their "abbreviated workday" earnings by using available accrued paid time.

G. EMPLOYEE RESPONSIBILITIES

- 1. It is the employee's responsibility under this policy to:
  - a. Return to their regular duty position, as soon as possible from a Light-Duty assignment;
  - b. Provide, complete, and signed documentation required for Light-Duty; and
  - c. Comply fully with all policies and procedures relating with the Light-Duty assignment.
- 2. Failure of an employee to fulfill these responsibilities may result in denial of, or cancellation of a Light-Duty assignment and/or disciplinary action, as appropriate. The Personnel Director will monitor the employees assigned to Light-Duty and that this policy is being followed.

## H. DOCUMENTATION REQUIRED

1. In order to be eligible for Light-Duty assignment, the employee will provide a completed and signed medical certification (Appendix A) from their treating physician and/or health care provider to the Director of Personnel, which specifically describes, in sufficient detail.
  - a. The restrictions as to work tasks, listed in the job description, of the employee's regular position, which the employee is unable to perform;
  - b. The employee can perform the tasks of the Light-Duty assignment;
  - c. The estimated duration of the work restriction and the estimated date when the employee will be able to return to regular, full duty/
  - d. Other information as indicated on the certification form.
2. As a condition of continuing a Light-Duty assignment or assigned to Light-Duty, the agency may require the employee to provide additional medical documentation from their treating physician or require the employee to be examined by a physician of the agency's choice and expense, at any time as deemed necessary or appropriate.
3. If the employee is not released to return to regular duty after 30-calendar days of Light-Duty, the employee is required to provide additional medical documentation, at the employee's expense, and thereafter at 30-calendar day intervals to substantiate continued Light-Duty, unless waived by the Sheriff.
4. The documentation for Light-Duty will be placed in the employee file.
5. Employees requesting to terminate, end light duty or those who are approaching the maximum time limit for their Light-Duty assignment, must submit a signed certification from either their treating physician and/or health care provider stating the employee is able to return to their normal assigned duties without restrictions.
6. Employees are not normally required to submit a certification of physical fitness to return to duty for each Light-Duty assignment. However, if **reasonable safety concerns exist regarding the employee's ability to** perform his or her duties, based on the health condition involved, the **Sheriff's** Office may require a physically fit certification of fitness to return to duty.

## I. EMPLOYEE LIMITATIONS

1. Employees on Light-Duty will not wear the agency uniform, display their badge of authority, drive a marked agency vehicle, or take any physical action under Color of Law whereby an arrest or confrontational contact is made with any person, either on or off duty.
  - a. This limitation does not prohibit the employee from using their vested authority in non-confrontational investigations and actions.

- b. The employee will not drive any agency vehicle if the medical restrictions prohibit the driving of a vehicle.
2. Employees on Light-Duty will not carry a firearm on duty.
3. The scope of any limitation is to prevent employees from engaging in situations, which the Light-Duty position was intended to prevent in the employee's regular position. However, it is recognized that if an employee is inadvertently placed into a situation requiring the use of force, these limitations do not prohibit the employee from using their vested authority in the use of force to protect themselves or others, if no other means of accomplishing this protection is immediately available.
4. Employees on Light-Duty assignment may not engage in any outside work of any kind or perform any other activity, on or off duty, which is inconsistent with physician recommendations.
5. Light-Duty limitations are not the same as a disciplinary or administrative suspension.

#### J. LIGHT-DUTY POSITIONS DEFINED

1. It is recognized that the agency, due to workforce necessities, cannot have an unlimited number of Light-Duty positions.
2. Light-Duty positions are not considered extra positions for the workforce; the positions temporarily replace the employee's regular position until such time that the employee returns to regular duty or is no longer eligible for Light-Duty.

#### K. DRESS CODE WHILE ON LIGHT-DUTY

Personnel on Light-Duty will wear suitable business casual clothing and the dress code policy will be enforced.