



TYLER POLICE DEPARTMENT

GENERAL ORDER: 16.400

	ILLNESS, INJURY, AND LIGHT DUTY	
	EFFECTIVE DATE: 05-25-2008	
	REVISED DATE: 03-17-2017	
CALEA STANDARDS: 22.2.1; 22.2.2		

16.401 PURPOSE

The purpose of this policy is to set forth guidelines for circumstances in which an employee is temporarily unable to perform the required duties normally associated with his or her job position due to an injury or medical condition. This policy is to set forth procedural guidelines to ensure fairness and uniformity in assignment to a light or limited duty position.

16.402 POLICY

It is the policy of the Tyler Police Department to attempt to return to work, at the earliest reasonable time, those persons who are temporarily unable to perform their regularly assigned duties due to an injury or medical condition. During this temporary period, alternate light duty work assignments may be utilized. However, any accommodations to an employee's required work conditions must be made without undue hardship and without adversely affecting Departmental operations. This policy does not in any way create a right, an expectation of right, or a proprietary interest in an alternate duty assignment.

Light duty assignments are not permanent and are subject to availability within the Department. The Chief of Police has the authority to deny an employee a light duty assignment if the Chief determines that placement is not in the best interests of the Department. An employee may be assigned in a light duty capacity with another City department if a position is available and after consultation with the City Manager. The Chief of Police has the authority to deviate from this policy when the action is in the best interest of the Department and the City.

This policy in no way affects the privileges of employees under provisions of the Family Medical Leave Act, the Fair Labor Standards Act, the Pregnancy Discrimination Act, the Americans with Disabilities Act, the City of Tyler Personnel policy, or any other State or Federal law.

16.403 DEFINITIONS

- A. Eligible Employee – This policy applies to full-time sworn or non-sworn employees of the Department suffering from a certified illness, injury, disability, or other medical condition that is temporarily unable to perform their regular assignments but may be able to perform an alternate light duty assignment. This policy does not apply to part-time or temporary personnel or volunteer members of the Department.
- B. Family Medical Leave Act (FMLA) – Federal law which provides up to 12 weeks of unpaid leave to all employees who have been employed for at least 12 months and have worked 1250 hours and who are unable to work for one or more of the following reasons:
1. For the birth and care of the newborn child of the employee;
 2. For the placement with the employee of a son or daughter for adoption or foster care;
 3. To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
 4. To take medical leave when the employee is unable to work because of a serious health condition.
- C. Light / limited Duty Assignment – The temporary assignment of an employee to light/restricted duty, another job/assignment or position because of necessity to restrict work activity. The assignment must be one in which the employee is qualified and is able to perform properly. Assignment to light duty shall not affect an employee's pay grade, pay increases, promotions, retirement benefits, or other employee benefits.
- D. Long Term Disability Coverage – City supplied insurance coverage for an eligible sworn and non-sworn employee that begins after 180 days of total disability due to an off-duty or on-duty injury or illness. The coverage pays 60% of the covered monthly earnings to a maximum benefit of \$5,500 per month. This benefit is subject to approval by the City insurance carrier. When on long term disability, the employee does not continue to accrue time off.
- E. Off-duty Injury or Illness – Any injury or illness that occurs when the employee is not on duty or not performing a sanctioned law enforcement activity while off-duty.
- F. On-duty Injury or Occupational Illness – An injury or illness that occurs as direct result of an employee performing the regularly assigned job function. This would include an injury or illness sustained while performing a sanctioned law enforcement activity while off-duty or while on overtime.
- G. Short Term Disability Coverage – City supplied insurance coverage for an eligible non-sworn employee that begins on the eighth day of total disability due to an off-duty or on-duty injury or illness. The coverage pays 60% of covered weekly earnings up to \$1,200 per week for a maximum of 26 weeks and is paid weekly. The 40% balance may be paid by the City with deductions from the employee's paid leave, if the employee has PTO or frozen sick time. If no accrued time off is available or the employee opts to not use the accrued time, then the employee only receives 60% of the covered weekly earnings. The employee is required to pay for continued city health insurance coverage while on short term disability. While on short term disability, the employee will continue to accrue time off providing the balance of accrued time off does not go to zero.

- H. Temporary Disability - Any medical or physical condition that restricts the work activities of an employee such that they are temporarily unable to perform the essential tasks of the normally assigned position and the person has not been determined to be permanently disabled by a health care provider. The temporary condition may be the result of an on the job or off the job injury or medical condition that impairs the expected work performance of the employee.
- I. Total Disability – The complete inability to perform any duty of the employee’s occupation or of a similar occupation for which the person is reasonably capable of performing due to education and training, as a result of injury or illness. Total disability will be determined by the employer.
- J. Infectious Disease – A disease caused by microorganism and potentially transferable from one source to new individuals. Any disease caused by invasion of the body by a pathogen which subsequently grows and multiplies in the body that may or may not be transmitted between individuals. Examples of a non-communicable disease would be tetanus or food poisoning.
- K. Communicable Disease – An infectious disease that is contagious and which can be transmitted from one individual to another by infectious bacteria or viral organisms. Normally associated with the transfer of or coming in contact with body fluids between persons but includes other forms of contagious diseases. Examples include hepatitis, HIV, or other blood borne pathogens or air borne pathogens such as influenza, tuberculosis, measles, etc.
- L. Contagious – A very communicable disease capable of spreading rapidly from one person to another through direct or indirect contact. Examples include but are not limited to influenza, cholera, chicken pox, pink eye, etc.
- M. Sick or Ill – suffering from impairment of normal physical or mental function capacity as a result of being infected with disease. A sick employee is an employee that is unable to effectively perform their assigned duty as a result of the impairment or that may create an undue risk to fellow employees or the public as a result of the exposure or transmission of the disease.

16.404 ON DUTY INJURY / ILLNESS – [CALEA STANDARD: 22.2.1]

- A. When an employee is injured in the line of duty or becomes aware of an occupational illness or other duty related medical condition, an on-duty supervisor is to be notified immediately. The supervisor will respond to the scene, if the incident has just occurred, and coordinate the investigation.
- B. When notified of an on the job injury / illness the supervisor is required to notify the Chain of Command of the incident, and see to the completion of the required [City of Tyler Supervisor’s Incident Report Form 2-53](#) and the [Job Injury, Exposure & Illness Report Form 2-61](#) for submission to Risk Management. Arrangements for the employee to receive medical treatment should be coordinated with the employee. The employee may choose a physician, but to simplify the coordination of care; the employee should be

encouraged to go to the City provider.

- C. If the employee misses at least one full day of work or receives medical treatment for an on-duty injury/illness, the employee must complete the [Return to Work Release Form 2-82](#) that is to be provided by the Supervisor. The Return to Work form is to be completed by the attending physician that details medical treatment provided and results, days off per treatment, progress of healing and expected return-to-work date. The Return to Work form is to be submitted to Risk Management upon receipt from the employee by the supervisor. Lost time begins the first eight hour scheduled workday missed.
- D. When a non-civil service employee goes out on injury leave for an on-duty injury or illness, the City will pay the employee for the first seven (7) days. Beginning on the eighth day, Workman's Compensation Insurance will pay the employee 70% of their wages with the remaining 30% balance being taken from the employee's paid time off (PTO) or frozen sick time. If the non-civil service employee has no accrual balances, he or she will receive only the Workman's Compensation check.
- E. When a civil service employee goes out on injury leave for an on-duty injury / illness, he or she will be eligible for up to one (1) year of full paid injury leave. The first seven (7) days of the injury are paid entirely by the City. On the eighth day of the leave, Workman's Compensation Insurance will pay the employee 70% of their wages and the City will pay the remaining 30% balance in compliance with [Local Government Code 143.073](#).
- F. Employees on injury / illness leave will not be permitted to wear the uniform, engage in activities or assignments that would contradict recommendations from a physician, work extra duty assignments, or engage in outside employment.
- G. The maximum leave of absence for any non-sworn employee will be one (1) year. If the non-sworn employee is unable to return to active regular full-time status at the end of one (1) year, employment with the City will be terminated and the employee may seek retirement, disability, or some other employment opportunity. Sworn employees may be provided additional leave of absence options pursuant to [Local Government Code 143.073](#) for line of duty injury/illness leave of absence that may exceed the one year time limit established by the City.
- H. While on paid leave of absence covered by workman's compensation the employee will continue to accrue sick, vacation, and/or PTO.
- I. A Return to Work form must be submitted to Risk Management before the employee may be allowed to return to work in any capacity. If the physician recommends, the employee may return to temporary light duty capacity. The Return to Work form will be submitted to the supervisor for routing to Risk Management. The employee will be instructed to submit a [Return to Work Letter](#), located on the 'P' drive in the POLICIES 10-1-99 folder and [Modified Transitional Duty Agreement, City form 2-83](#), to the Chief for approval. If approved, the employee will then contact the Support Services Career Development Lieutenant for assignment in a light duty capacity pursuant to [Section 16.408](#) below. If the employee is released to return to work by the attending physician without any restrictions, the Return to Work form, City form 2-82, will be submitted to the supervisor and routed to Risk Management prior to the employee returning to active duty status.

16.405 OFF DUTY INJURY / ILLNESS – [CALEA Standard: 22.2.1]

- A. When an employee is injured off-duty or becomes aware of a personal illness or medical condition or a condition involving an immediate family member that will prevent the employee from performing regularly assigned duties, the employee's immediate supervisor is to be notified as soon as practical or by the beginning of the next scheduled tour of duty. The first three (3) days in which an employee is not able to work due to an off-duty injury / illness will be carried as sick time for sworn employees. PTO or frozen sick time will be used for non-sworn employees. If the sworn employee does not have accrued sick time, then vacation, comp or super-flex time may be used in the place of sick time.
- B. If the injury or illness is such that the employee is unable to return to work for more than three (3) working days, the employee or another acting on behalf of the employee is responsible for notifying the City's Human Resources Department; ensuring the required FMLA paperwork is completed and the employee is aware of the available leave options. All FMLA paperwork is located on the "P" drive / POLICIES 10-1-99 folder. In situations when an employee is off longer than 3 days, all time off, paid or unpaid, will count toward the 12 week annual FMLA allowance.
- C. The employee's Supervisor will notify the Chain of Command regarding the injury / illness and that the employee or the employee's designee has been directed to contact the City's HR Department.
- D. If an employee is absent from work for more than three (3) days due to an injury or illness, the employee must have a [Return to Work Release, Form 2-82](#), completed by an attending physician that details medical treatment provided, days off per treatment, progress of healing and expected return-to-work date, prior to returning to any duty status. The Return to Work Release is to be submitted to Risk Management upon receipt from the employee by the supervisor.
- E. If the physician recommends, the employee may return to a temporary light duty capacity. The Return to Work form will be submitted to the supervisor for routing to Risk Management. The employee will be instructed to submit a Light Duty Application Letter and Agreement to the Chief of Police for approval. If approved, the employee will contact the Support Services Division, Career Development Lieutenant for assignment in a light duty capacity pursuant to [Section 16.408](#) below. Lieutenants and above will report to their immediate supervisor for assignment to a light duty capacity pursuant to Section 16.408 below. If the employee is released to return to work by the attending physician without any restrictions, the Return to Work form will be submitted to the supervisor and routed to Risk Management prior to the employee returning to an active duty status.
- F. Non-sworn employees may be eligible for short term disability coverage that begins on the eighth day after the employee is unable to work. After 180 days of [Total Disability](#), sworn and non-sworn employees may be eligible for [Long Term Disability Coverage](#).
- G. The maximum leave of absence for a non-sworn employee will be one (1) year. Sworn employees may be provided additional leave of absence pursuant to [Local Government Code 143.073](#). If the employee is unable to return to active status at the end of the maximum allowed leave of absence, employment with the City will be terminated and the

employee may seek retirement, disability, or some other employment opportunity.

- H. While on paid leave for an off duty injury / illness, the employee will continue to accrue sick, vacation, and / or PTO. While covered on [Short Term Disability](#), the employee will continue to accrue time off providing the employee's balance of accrued time off does not go to zero. When the leave is unpaid, the employee does not accrue sick, vacation, and / or PTO.
- I. Employees on injury / illness leave will not be permitted to wear the uniform, engage in activities or assignments that would contradict recommendations from a physician, work extra duty assignments, or engage in outside employment.

16.406 PREGNANCY – [CALEA Standard: 22.2.1]

- A. When a female employee learns that she is pregnant, the employee may elect to notify her immediate supervisor or Chain of Command. If the employee is going to request a re-assignment, the employee should submit the [Certification of Health Care Provider for Employee's Serious Health Condition, Form 2-30A](#); detailing the nature of the condition, any job restrictions, length of absence (if applicable), or other relevant factors. It is the responsibility of the female employee to notify the department and request a re-assignment, if desired.
- B. When notified by the employee, the Supervisor will notify the Chain of Command of the employee's request.
- C. If requested by the employee, sworn employees may be removed from law enforcement roles and re-assigned to other duties. If requested by the employee, non-sworn employees assigned to street duties may be re-assigned to other duties. The sworn or non-sworn employee will be notified to contact the Support Services Division, Career Development Lieutenant for assignment in a light duty capacity pursuant to [Section 16.408](#) below. Lieutenants and above will contact their immediate supervisor for assignment to a light duty capacity.
- D. The eligible pregnant employee is permitted to take up to 12 weeks of leave under FMLA in a one (1) year period. The employee will be required to use accrued sick, frozen sick, vacation, or PTO time when on family leave. Once the accrued time has been used, the employee may remain on family leave the balance of the 12 weeks in an unpaid capacity. Time off taken prior to and after the delivery will count toward the annual 12 week allowance under FMLA.
- E. Pregnant employees re-assigned to modified duties will not wear the uniform, engage in activities or assignments that would contradict recommendations from a physician, work extra duty assignments, or engage in outside / extra-duty employment.
- F. Prior to returning to work, whether in a light duty capacity, a re-assignment, or regular full-time position, the employee must get a Return to Work form completed by an attending physician detailing any work restrictions. The Return to Work form is to be submitted to Risk Management, via the Chain of Command, by the supervisor.

- G. If the employee has sufficiently healed from any health condition that develops during the pregnancy or after delivery and the attending physician recommends, the employee may return to work in a light duty capacity. The employee will be instructed to submit a Light Duty Application Letter and Agreement to the Chief for approval. If approved, the sworn or non-sworn employee will be directed to contact the Support Services Division, Career Development Lieutenant for light duty assignment pursuant to [Section 16.408](#) below. Lieutenants and above will contact their immediate supervisor for assignment to a light duty capacity.

16.407 FAMILY MEDICAL LEAVE ACT (FMLA) – [CALEA Standard: 22.2.1]

- A. When an employee desires to take time off to care for the employee's newborn child, to adopt or have placed in the employee's care a foster child, care for a sick or injured spouse, parent, or child that is under 18 years of age or child that is age 18 or older and incapable of self-care because of mental or physical disability, or to care for a personal health condition, the employee may be allowed to take up to 12 weeks annual allowance of FMLA leave per City personnel policy.
- B. The employee is required to submit the request for time off at least 30 days prior to the requested time off, when advance notice is possible. The employee will be instructed to contact the City's Human Resources Department to ensure that all proper documentation is completed / submitted. The employee's Supervisor is responsible for notifying the Chain of Command of the employees request for FMLA. The employee may be required by the Chief of Police to submit the [Certification of Health Care Provider for Employee's Serious Health Condition, Form 2-30-A](#), [Certification of Health Care Provider for Family Member's Serious Health Condition, Form 2-30-B](#), [Certification of Qualifying Exigency For Military Leave, Form 2-30-C](#), or [Certification for Serious Injury or Illness of Covered Service member for Military Family Leave, Form 2-30-D](#) that details the nature of the condition, length of absence, or other relevant factors.
- C. If an employee is absent for more than three (3) days due to an off-duty related serious health condition for the employee or to care for an immediate family member, all time off, including the first three (3) days, counts towards the 12 week FMLA annual allowance.
- D. If an employee has to take a leave of absence to care for an off-duty injury / illness to themselves, a Return to Work form that details any work restrictions must be completed by the attending physician and submitted to Risk Management prior to the employee returning to work in any capacity.

16.408 LIGHT DUTY ASSIGNMENT – [CALEA Standard: 22.2.2]

- A. Light duty assignments are strictly temporary and will not exceed 180 calendar days from the date of the assignment for employees who sustain injuries / illnesses that occur while off-duty. Personnel are not eligible for more than 180 calendar days of light duty in a 365 calendar day period for each injury / illness that occurs while off-duty. After 180 calendar days, an employee on light duty for an injury / illness that occurred while off-duty who is not capable of returning to his / her regular duty assignment may go on paid or unpaid

leave per the annual FMLA allowance, or if eligible, apply for disability. Personnel who sustain an on-duty injury / illness may be permitted to work in a light duty capacity beyond the 180 day limit consistent with the Worker's Compensation Program, City policy, Local Government Code and the approval of the Chief of Police.

- B. The maximum amount of time off for an illness / injury for non-sworn employees may not exceed one (1) year. Sworn employees may be provided additional leave of absence options pursuant to [Local Government Code 143.073](#). If at the end of the maximum allowed time off, the employee is unable to perform the essential functions of his / her regular assignment, the employee may retire, seek disability, be terminated, or pursue other employment options as provided by employment provisions of this City, state or federal law. Employees with permanent restrictions that are covered under the Americans with Disabilities Act (ADA) as a 'qualified individual' and can perform the essential functions of the position may be considered for re-assignment in a vacancy equal to or lower-grade position in the Department or other city department. Employees not wishing to be re-assigned will be terminated.
- C. Light duty assignments must be beneficial to the Department and must contribute to the service goals of the City. The employee must possess the necessary skill(s) to perform the task and the work to be performed must be consistent with medically determined physical restrictions. Light duty assignments are primarily clerical in nature and would include, but not limited to, Communications Unit, Data Management Unit, or assisting investigators with ongoing cases. If there is no position available in the department that the employee is qualified to fill and consistent with city policy, the employee may request to be considered for a modified transitional duty assignment with another City department. A request may be submitted through the Chain of Command to the Human Resources Department for consideration of another assignment.
- D. Prior to reporting to the Department for a light duty assignment, the employee will notify his / her supervisor of the injury / illness and provide a completed Return to Work form on which the attending physician notes any job restrictions. An employee who fails to provide the Return to Work form will not be permitted to work.
- E. If the physician recommends the employee may return to temporary light duty capacity, the Return to Work form will be routed to Risk Management. The employee will be instructed to submit a Light Duty Application Letter and Agreement to the Chief for approval. Once approved, the sworn or non-sworn employee will be instructed to contact the Support Services Division Career Development Lieutenant for assignment in a light duty capacity. If a job inside the Department isn't available, a request may be forwarded to the Human Resources Department to find an assignment within the city that would allow the employee to continue working and be a benefit to the city. The Support Services Division Career Development Lieutenant will coordinate with the Chief of Police and the Division Commanders / Assistant Chiefs concerning the placement of an employee in a light duty capacity. Lieutenants and above will contact their immediate supervisor for assignment to a light duty capacity.
- F. The supervisor responsible for the supervision of the unit to which the employee is assigned in a light duty capacity is responsible for the direct supervision of the employee. The Support Services Division Career Development Lieutenant will maintain functional supervision over the sworn and non-sworn employee; approving time off and see to the submission of the necessary paperwork regarding the assignment. Lieutenants and

above will continue to report to their immediate supervisor for assignments, submission of necessary paperwork, and time off requests.

- G. Periodically, the employee may be required to have an updated medical review to determine any job modifications and / or adjustment to the anticipated return to regular duty status. Per city policy, an employee may be required to be evaluated by a physician at the City's expense. Pursuant to Local Government Code 143.081 officers may be required to be evaluated by a physician.
- H. Pursuant to Local Government Code 143.074, sworn employees placed on long term disability may be rehired if a physician certifies the employee is no longer disabled and the civil service commission agrees to reinstatement. If a non-sworn employee enters into long term disability, he or she is required to re-apply for a position with the Department if the person is no longer disabled at a later time.
- I. Non-sworn employees eligibility for merit increases may be deferred until the employee returns to the regularly assigned job duties.
- J. Sworn personnel placed in a light duty assignment are restricted from using police authority, except in extreme emergencies, self-defense, or in the defense of third persons. Personnel working light duty will not be permitted to wear the uniform, engage in activities or assignments that would contradict recommendations from a physician, work extra duty assignments, or engage in outside police related employment. Sworn personnel on light duty are permitted to display their badge and open carry a firearm within any of the department facilities, but are restricted from doing so in public. Officers may carry a concealed firearm on or off duty. Personnel on light duty are not permitted to drive a City vehicle without supervisor approval.

16.409 SHORT TERM AND LONG TERM DISABILITY – [CALEA Standard: 22.2.2]

- A. Short Term Disability – Applies only to full-time, non-sworn employees. When an employee is going to be away from work for more than eight (8) days of Total Disability due to an illness / injury that is not work related, the employee may complete the short-term disability application. If so, the employee will be instructed to contact the City's Human Resources Department who will provide them with a pamphlet that explains the steps of filling a short term disability claim through Cigna. FMLA paperwork must be completed and upon being released to return to work, the Return to Work Release, Form 2-82 must be submitted. Payment is weekly and is based upon the employee's weekly earnings only. Stability, overtime or any other added pay the employee receives does not apply. Payment is 60% of weekly earnings with balance of 40% made up from the employee's accrued time. For further specific details contact Human Resources.
- B. Long Term Disability – Applies to both sworn and non-sworn full-time employees. When an employee is unable to return to work due to a certain on-duty or off-duty injury / illness after a period of 180 days of Total Disability, the employee may be eligible for long term disability pursuant to the provisions of the City's insurance carrier. The employee is to submit an application, a doctor's statement and other documents pursuant to the City's insurance carrier requirements to apply for long term disability benefits. The City's insurance carrier may or may not approve the eligibility for benefits. The amount the

employee is receiving from retirement, workman's comp, or any other income may offset the amount the employee may be eligible to receive. For further specific details contact Human Resources.

16.410 WORKPLACE SAFETY

- A. [Texas Labor Code, Section 411.103, Duty of Employer to Provide Safe Workplace](#) requires that each employer shall provide and maintain a place of employment that is reasonably safe and healthful for employees; install, maintain, and use methods, processes, devices, and safeguards, including methods of sanitation and hygiene, that are reasonably necessary to protect the life, health, and safety of the employer's employees; and take all other actions reasonably necessary to make the employment and place of employment safe. The Federal Occupational Safety and Health Act further requires that employers have a general duty to provide their employees with work and a workplace free from recognized, serious hazards. To help prepare the employee deal with the hazards that they may face with the job, the employer must provide the necessary training and equipment to safely mitigate the hazards.
- B. Employee's that believe that they are impaired as a result of being sick or the employee knows that they have contracted a contagious disease are encouraged to make use of sick time, PTO, or other leave to minimize the health risks caused by exposing fellow employees or others to the disease. The employee must understand that they are exposing themselves and their fellow employees to an unnecessary risk by reporting to work when they are not capable of effectively performing their assigned duties as a result of being sick.
- C. If an employee reports to work and it is readily apparent that the employee does not appear to be at 100% mental or physical capacity as a result of being sick, a supervisor should encourage the employee to go home until they are well enough to return to work.
- D. If the employee does not voluntarily agree to go home and the supervisor believes that the employee is unnecessarily exposing fellow employees to a contagious disease or other danger, the supervisor will make the Chain of Command aware of the situation. After the Chain of Command review, the Chief or designee shall make the final decision regarding whether to order the employee to go home. Failure to obey the final decision may be cause for disciplinary action. The supervisor will document their observations of the employee, specifically noting the symptoms displayed by the employee, and the details of the situation utilizing the City's Supervisor Incident Report and forward the report through the Chain of Command.
- E. If the Chief or Chief's designee, believes the employee's illness poses a hazard to others, the Chief or Chief's designee, has the authority as provided by Chapter 2 of the City of Tyler Administrative policy to require the employee go to a physician to obtain a Return to Work Release form containing physician's statement before returning to work.

Approved: 03-17-2017

A handwritten signature in cursive script, appearing to read "Jimmy Toler", is written over a horizontal line.

Jimmy Toler
Chief of Police