

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	<b>Chapter:</b> 300 – Personnel Management	
	<b>Directive:</b> 310.14 – Temporary Duty Assignments	
<b>Authorized by:</b> Chief Brandon Zuidema		<b>Effective Date:</b> June 17, 2015
<b>CALEA Standards:</b> N/A		<b>Last Revision:</b> N/A

### 310.14.1 – Purpose

The purpose of this directive is to establish the authority for assigning eligible personnel to temporary duty in lieu of requiring an absence from work and/or the use of personal leave time.

### 310.14.2 – Policy

It is the policy of the Garner Police Department to maximize the abilities of all employees at all times. In those instances when employees are temporarily unable to perform their regular work assignment(s) because of injury, illness, psychological condition, or other physician-diagnosed and documented condition, or are restricted from performing their regular assigned duties as the result of being subject to an internal investigation and/or criminal investigation, but are capable of performing alternative duties, the employee may be placed in a temporary duty status and temporarily re-assigned within the Department or the Town of Garner (see also Town of Garner Personnel Policies Manual).

### 310.14.3 – Definitions

- A. Fit for Duty – When a Department employee is able to perform their regular assigned duties in a safe, secure, productive, and effective manner.
- B. Temporary Light Duty – A modified work assignment, with assigned duties that are different from an employee’s regular assignment, that may be offered to an employee that is unable to perform their regular assigned duties as the result of a non-work related injury, illness, psychological condition, or other physician-diagnosed and documented condition that is temporary in nature.
- C. Temporary Modified Duty – A modified work assignment, with assigned duties that are different from an employee’s regular assignment, that may be required of an employee:
  - 1. That is unable to perform their regular assigned duties as the result of a work-related injury, illness, psychological condition, or other physician-diagnosed and document condition that is temporary in nature; or
  - 2. That is restricted from performing their regular assigned duties as the result of being subject to an internal investigation and/or criminal investigation.

### 310.14.4 – General Guidelines

- A. The Chief of Police has ultimate responsibility for approving temporary duty assignments on a case-by-case basis in accordance with this directive and the Town of Garner Personnel Policies Manual.
- B. This directive in no way impacts the employment rights of any employee under the provisions of the Family and Medical Leave Act (FMLA), the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), or any other federal or North Carolina law.

- C. Assignment to a temporary duty assignment will not have any impact on an employee's compensation rate or other employee benefits normally granted to the employee but not specifically related to their sworn status (i.e. health insurance and paid leave benefits).
- D. Any request for an extension beyond ninety (90) days for a temporary duty assignment originally anticipated to last ninety (90) days or less will be evaluated on a case-by-case by the Chief of Police in consultation with the Town Human Resources Director.
- E. Any initial request for a temporary duty assignment anticipated to last longer than ninety (90) days will be evaluated on a case-by-case basis by the Chief of Police in consultation with the Town Human Resources Director.
- F. Temporary duty assignments are made to best meet the needs of the Department and the Town, with secondary consideration given to specific requests made by the employee subject to the temporary duty assignment.
  - 1. In the event there are multiple requests for temporary duty assignments at one time, preference will be given to modified duty assignments over light duty assignments.
  - 2. All reasonable efforts will be made to allow all employees subject to temporary duty status to be given a temporary duty assignment. However, there is no guarantee of a temporary duty assignment for any Department employee.

#### **310.14.5 – Requesting a Temporary Light-Duty Assignment**

- A. In the event an employee is deemed not fit for duty as the result of a work-related injury or incident but receives or anticipates receiving medical clearance for a temporary modified duty assignment, the employee's direct supervisor will complete a *Request for Temporary Duty Status* form (GPD form 310.14-A) as soon as practical upon becoming aware of the employee's status.
- B. In the event an employee is deemed not fit for duty as the result of a non-work-related injury or incident but receives or anticipates receiving medical clearance for a temporary light duty assignment, the employee will notify their immediate supervisor if they wish to request a temporary light duty assignment. The supervisor will then complete a *Request for Temporary Duty Status* form (GPD form 310.14-A).
- C. Any request for a temporary duty assignment must be accompanied by medical documentation that clearly defines the following:
  - 1. The employee's work status,
  - 2. Any specific work restrictions,
  - 3. The anticipated duration of these restrictions,
  - 4. Any medication or physical therapy regimen, and
  - 5. The prognosis for recovery.

#### **310.14.6 – Approval of Temporary Duty Assignments**

- A. All requests for temporary duty assignments will be forwarded up the chain-of-command to the Chief of Police.
  - 1. The Chief of Police will evaluate each request for temporary duty status and will confirm:

- a. That such an assignment is appropriate given the employee's documented work restrictions, and
  - b. That the proposed temporary duty assignment meets the needs of the Department and involves a task(s) or project that is meaningful and valuable.
2. If temporary duty status is approved by the Chief of Police, inquiry will be made of Department supervisors as to a potential assignment or project appropriate for the employee being assigned to temporary duty status.
- a. An employee on temporary duty may be required to supplement their scheduled work hours with paid leave time to meet their normal required work hours:
    - 1) If an approved temporary light duty assignment does not result in the employee working his/her normal number of work hours in a given pay period, the employee will be required to use accumulated leave to meet their normal required work hours.
    - 2) If an approved temporary modified duty assignment does not result in the employee working his/her normal number of work hours in a given pay period, the employee will be required to use accumulated leave to meet their normal required work hours if other sources of compensation (typically related to Workers Compensation benefits) do not result in meeting the employee's total required work hours.
  - b. If for any reason a temporary duty assignment is not available in the Department, the Chief of Police will consult with the Town Human Resources Director to discuss assigning the employee to a temporary duty assignment in another Town department.
  - c. An employee who suffers from a condition or injury that is work-related may not refuse a temporary modified duty assignment unless the employee can demonstrate that the assignment is in conflict with restrictions imposed by a physician. Failure to report to a modified duty assignment may result in disciplinary action against the employee.
  - d. An employee who suffers from a condition or injury that is not work-related may elect to refuse a temporary light duty assignment and instead use accumulated paid leave.
  - e. Every effort will be made to assign sworn employees to temporary duty positions consistent with their rank and civilian employees assigned to temporary duty positions consistent with their normal level of responsibility. However, personnel may be assigned to positions normally designated for personnel of a lower rank at the discretion of the Chief of Police.
  - f. The Department does not maintain and shall not establish and maintain any position specifically intended for sworn personnel on temporary duty status; temporary duty positions are intended to allow for completion of a short-term project or to provide a temporary supplement to existing staffing.
3. If temporary duty status is denied (which will normally only occur after consultation with the Town Human Resources Director), the Chief of Police will note such on the original *Request for Temporary Duty Status* form and will notify the involved employee, the employee's chain-of-command, and the Town Human Resources Director.
- B. If temporary duty status is approved for a sworn employee, the employee's assigned temporary supervisor will complete a *Notice of Temporary Duty Status* form (GPD form 310.14-B) and will meet with the employee to review the form. If temporary duty status is approved for a civilian employee, the employee's assigned temporary supervisor will provide the employee with a memo outlining any restrictions on their normal duties resulting from the temporary duty status.

- C. If temporary duty status is approved for an employee, the employee will be scheduled for work so as to maintain their normal number of work hours in each pay period whenever possible. Employees assigned to temporary duty status:
  - 1. Are not guaranteed to maintain their normal work schedule. The employee's work hours will be based on the temporary duty assignment and the needs of the Department.
  - 2. Are not eligible to earn overtime compensation.
- D. Temporary duty assignments may be modified as needed at any time during the employee's temporary duty status to meet the needs of the Department.

### **310.14.7 – Employee Responsibilities and Restrictions**

- A. A sworn employee assigned to temporary duty status will be restricted from taking any enforcement action (except as described herein). Sworn employees assigned to temporary duty status:
  - 1. Will only interact with complainants, victims, or witnesses who call by phone or who come to a Department facility to file a police report.
  - 2. Will not interact with suspects under any circumstances; the only exception to this is if the officer's intervention is necessary to defend their own life or the life of another.
  - 3. Will not respond to the scene of any active investigation unless specifically ordered to do so by a Department supervisor to assist with administrative duties.
- B. A sworn employee assigned to temporary duty status may be restricted from carrying a Department-issued or authorized firearm based on the nature of their condition or injury.
  - 1. Any decision to restrict the carrying of a firearm will be determined by the Chief of Police in consultation with the employee's physician if appropriate on a case-by-case basis.
  - 2. If an employee assigned to temporary duty status is restricted from carrying a Department-issued or authorized firearm, the employee:
    - a. Will not carry their issued Department handgun or a personally-owned handgun while on-duty.
    - b. Will not carry their issued Department handgun while off-duty.
    - c. Will not carry a personally-owned handgun off-duty in a manner that requires approval by the Department under the employee's authority as a sworn officer.
    - d. May carry a personally-owned handgun off-duty if such carry is legally authorized for a similarly situated citizen (i.e. "open-carry" or under the authority of a valid concealed carry permit), but may not display their badge in these circumstances.
- C. A sworn employee assigned to temporary duty status may not operate a marked patrol vehicle while on temporary duty status. A sworn employee assigned to temporary duty may operate an unmarked Department vehicle so long as they do not have a medical restriction against vehicle operation.
- D. A sworn employee assigned to temporary duty status will be restricted from working any extra-duty employment.

- E. A sworn employee assigned to temporary duty status will be restricted from working any off-duty employment unless they receive specific written permission from the Chief of Police based on the nature of the off-duty employment.
- F. A civilian employee assigned to temporary duty status may be restricted from some or all of their normal responsibilities on a case-by-case basis depending on the justification for the temporary duty and the employee's normal job responsibilities.
- G. Once an employee is approved for temporary duty status, the employee's temporary supervisor will determine appropriate dress based on the employee's temporary assignment. A sworn employee assigned to temporary light-duty status:
  - 1. Will not wear a Department-issued uniform but may wear a Department-approved non-uniform shirt that displays the Department badge while at a Department facility.
  - 2. May display their issued uniform badge on their person while at a Department facility.
  - 3. May not display their issued uniform badge while outside a Department facility.

#### **310.14.8 – Return to Full-Duty**

- A. An employee who intends to return to full-duty at the conclusion of a temporary duty assignment must submit a completed Fitness for Duty certification form that includes documentation from the treating physician in accordance with the Town of Garner Personnel and Policies Manual.
- B. A sworn employee who is cleared for full-duty is not guaranteed a return to a specialized position in the Department depending on the length of their absence from the position and if the position was filled in the interim due to meeting the needs of the Department.
  - 1. If the employee holds the rank of sergeant or higher at the time of their assignment to temporary duty status, the employee is guaranteed assignment to a position at that rank upon their return to full-duty.
  - 2. Any failure to return a sworn officer to a specialized position that included a financial incentive will not result in a loss of the financial incentive for the employee.
- C. Employees who are cleared for full-duty may remain temporarily re-assigned if it is deemed in the best interest of the Department by the Chief of Police to have the employee complete a project or other assignment prior to being assigned back to their full-duty position.