

### 958.3 LIMITED DUTY GUIDELINES

Limited Duty assignments are a management prerogative and not an employee right. These assignments are intended to provide employees with the ability to continue working within the limits of their restrictions and limitations on a temporary basis while providing the Department with productive employees during the interim period. The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

- (a) The Chief has the ultimate authority to determine whether it is in the best interest of the Department to place an employee on Limited Duty status and, if so, in what position within the Department.
- (b) For sworn employees, the Chief or designee may at any time invoke the fitness for duty process as outlined in Texas Local Government Code 143.081.
- (c) If a sworn employee is designated not physically or mentally fit to perform the essential job functions by the process outlined in Texas Local Government Code 143.081, the procedure outlined in General Order 958.3.1(d) 2(a) shall apply.
- (d) Limited Duty assignments shall be subject to continuous reassessment dependent upon:
  1. Department need; and
  2. The estimated length of time the employee is expected to remain on Limited Duty; and
  3. The employee's current medical limitations and restrictions as dictated by a physician; and
  4. The employee's ability to perform in a Limited Duty capacity.
- (e) At the Department's discretion, employees with a compensable injury or illness may be assigned to a Limited Duty position outside of their normal assignment or duties if it becomes available and is consistent with any medical restrictions.
  1. If offered, employees shall be required to take the offered assignment; failure to accept the assignment may result in the employee forfeiting their workers' compensation indemnity benefits and may be subject to disciplinary actions.
  2. If an assignment meeting the required restrictions and limitations is unavailable, employees may be eligible for FMLA or Worker's Compensation indemnity benefits until an assignment becomes available.
  3. Employees who disagree as to whether their bona fide job offer is within the parameters of their medical limitations will be required to submit a memo along with an updated DWC-73 which supports their new limitations and/or work status change. This documentation will be submitted to Risk Management within 48 hours of receiving a bona fide job offer. Failure to provide this updated information may subject an employee to disciplinary actions.
- (f) Employees on a Limited Duty assignment shall be required to:
  1. Undergo a medical re-evaluation, as directed by a physician; or,
  2. Submit an updated DWC-73 ([for an on-duty injury/illness](#)) or a Medical Release to Return to Work Form ([for an off-duty injury/illness](#) (PD0119) to [APDHRWorkersCompensation@austintexas.gov](mailto:APDHRWorkersCompensation@austintexas.gov) within 24 hours of the appointment ~~-when directed by a Risk Management supervisor~~; and,
  3. Attend Designated Doctor appointments set by the Texas Department of Insurance, Division of Worker's Compensation.
- (g) Employees with an off-duty injury or illness may be offered a Limited Duty position. If a position is offered, the employee may either accept the position or continue to draw on personal leave balances (e.g., sick, vacation).

- (h) Employees that cannot adequately perform in a Limited Duty assignment may have such assignment modified or discontinued.
- (i) The lack of Department need or a change in priorities may result in the employee's removal from or modification of a Limited Duty assignment.
- (j) The Department may place conditions as deemed appropriate upon any Limited Duty assignment.

### 958.3.1 SWORN EMPLOYEES

All Limited Duty assignments for sworn personnel shall be coordinated through the APD Risk Management Unit ~~and adhere to the following guidelines:~~

- (a) Sworn employees shall be notified in writing by APD Risk Management of any approved, modified or canceled Limited Duty assignment.
- ~~(b) Sworn employees wishing to be assigned to a Limited Duty assignment different than that identified by Risk Management must receive prior approval from the employee's chain-of-command and APD Risk Management.~~
  - ~~1. Consideration for any special Limited Duty assignments, including requests to keep a sworn employee in his current work assignment, shall be based on written justification by the sworn employee's supervisor.~~
  - ~~2. The sworn employee's supervisor shall complete a *Request to Keep Limited Duty Employee* (PD0064) and forward it up the chain-of-command for approval.~~
  - ~~3. Upon approval by the sworn employee's chain-of-command, completed forms shall be forwarded to the APD Risk Management sergeant for final approval, with the following exception:
    - ~~(a) Sworn employees expected to remain on Limited Duty for no more than two (2) consecutive weeks shall be allowed to stay in their current work assignment with the approval of their commander.~~~~
- ~~(c) The supervisor to whom the Limited Duty sworn employee is assigned shall complete a *Limited Duty Assignment Evaluation* to document the employee's performance and forward it to the employee's regular duty supervisor and APD Risk Management.~~
- ~~(d)~~(b) Sworn employees may remain on Limited Duty status for no more than a cumulative total of 1,040 hours (including, but not limited to, vacation, exception vacation, sick time, comp time, personal holidays, LTD, POD, and PFS hours) per incident of injury or illness.
  - 1. Prior to returning to full duty, sworn employees shall coordinate with APD Risk Management and may be required to provide a Medical Release to Return to Work Form (PD0119) completed by their physician.
  - 2. At least ~~thirty-sixty~~ (30/60) days before the expiration of a cumulative total of 1,040 hours of Limited Duty, the employee's ~~physician~~ the physician's ~~must~~ a written report to APD Risk Management indicating an anticipated return to work date, identifying the duration of any restrictions on the ability to return to full duty, and supporting the need for any additional limited duty time.
  - 3. If a sworn employee's physician determines that the employee cannot return to Full Duty after the initial 1,040 hours, sworn employees may request an Extended Limited Duty assignment as outlined in this order. The Chief may approve the Extended Limited Duty assignment or invoke the fitness for duty process outlined in Texas Local Government Code 143.081.
    - (a) If a sworn employee is not approved for a Limited Duty or Extended Limited Duty assignment and is designated not physically or mentally fit for duty by the process outlined in Texas Local Government Code 143.081, employment may be terminated.

## 958.3.2 CIVILIAN EMPLOYEES

All Limited Duty assignments for civilian personnel shall adhere to the following guidelines:

### 958.4 EXTENDED LIMITED DUTY ASSIGNMENTS

This section applies only to non-probationary, civil service employees. There is no constitutional or statutory entitlement to an Extended Limited Duty assignment. The Chief of Police has created this order in recognition of the fact that in many instances, an injured officer may still make a significant contribution to the Department's mission.

- (a) The intention of this order is to place injured employees in temporary positions with the understanding and expectation that they will return to Full Duty at some future date.
  1. Extended Limited Duty assignments are not intended to create a permanent Limited Duty career path.
  2. While Extended Limited Duty assignments have no specified time limit, the Chief of Police retains the right to impose one at any time.
- (b) Two (2) essential job functions of every Austin Police Officer are the ability to make a forcible arrest and qualify with a firearm. Extended Limited Duty positions waive these specific essential functions as long as the following requirements are met:
  1. The employee obtains an exemption from TCOLE waiving any State mandated requirements for certification that the employee cannot comply with due to his injury or illness.
  2. A copy of the exemption is on file with the Department.
- (c) While on Extended Limited Duty, employees are required to [adhere to GO 958.3](#). ~~have a quarterly medical examination by their own physician to determine whether the employee is physically and mentally capable of returning to Full Duty.~~
  - ~~1. For on-duty injuries or illnesses, the employee is responsible for submitting a completed DWC-73 form to the APD Workers' Compensation Office within 24 hours of the appointment.~~
  - ~~2. For off-duty injuries or illnesses, the employee is responsible for submitting in a completed Medical Release to Return to Work form to the APD Workers' Compensation Office within 24 hours of the appointment.~~
- ~~3.~~(d) If the Chief of Police questions a physician's report, the Chief may formally invoke the fitness for duty process outlined in Texas Local Government Code Section 143.081.
- ~~(d)~~(e) Extended Limited Duty assignments will be evaluated [as directed by the Chief of Police or designee](#) ~~every six (6) months~~. The Chief of Police [or designee](#) has the authority to invoke the fitness for duty process at any time if a question arises as to whether the employee is sufficiently physically and mentally fit to continue his duties.
- ~~(e)~~(f) The assignment to Extended Limited Duty does not affect an employee's entitlement to:
  1. A paid leave of absence for an injury or illness that is sustained in the line of duty pursuant to Texas Local Government Code Section 143.073; or
  2. Any other form of leave that the employee may be entitled to under Chapter B of the City of Austin Personnel Policies, the Meet and Confer Agreement, and State or Federal law. (e.g., FMLA).

#### 958.4.1 APPLYING FOR AN EXTENDED LIMITED DUTY ASSIGNMENT

A sworn employee who has been on Limited Duty status a cumulative total in excess of 1,040 hours may be placed on Extended Limited Duty as provided for in this order and only with the approval of the Chief or an assistant chief.

- (a) At least ~~thirty-sixty~~ (30/60) days before the expiration of a cumulative total of 1,040 hours of Limited Duty, the employees' ~~physician~~ must submit the physician's ~~a~~ written report to the APD HR Workers' Compensation Office indicating a reasonable anticipated date to return to Full Duty.
1. If the physician determines the employee will not be able to return to Full Duty by the expiration of a cumulative total of 1040 hours of Limited Duty, the officer may, within ~~ten-thirty~~ (10/30) days of the expiration of the 1040 hours, submit a written request for an Extended Limited Duty assignment to the Chief of Police through the APD HR Workers' Compensation office.
  2. The Chief of Police has the authority to deny an officer placement in an Extended Limited Duty assignment if the Chief determines that such placement is not in the best interest of the Department.
- (b) Preferences for Extended Limited Duty assignments shall be given to employees with a compensable on-duty injury or illness, as well as employees with a qualifying disability as outlined below.