

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

<i>Effective Date</i> <b>February 1, 2008</b>		<i>Amended Date</i>		<i>Directive</i> <b>2.25.1</b>	
<i>Subject</i> <b>Employee Injury and Light Duty Assignments</b>					
<i>Reference</i>					
<i>Distribution</i> <b>All Personnel City Manager City Attorney</b>		<i>TPCA Best Practices Recognition Program Reference</i>  <b>No Reference</b>		<i>Review Date</i>  <b>January 1, 2017</b>	
<i>Pages</i> <b>5</b>					

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

**SECTION 1 PURPOSE**

The purpose of this policy is to establish guidelines to employees regarding employee injuries and light duty assignments.

**SECTION 2 POLICY**

It is the policy of the Department that all employee injuries will be properly documented and reported to the City of Texarkana, Texas Risk Manager. It is also the policy of the Department that injured, ill, or pregnant employees will generally be placed in light duty assignments as determined by the Chief of Police.

**SECTION 3 PROCEDURES**

**A. GENERAL EMPLOYEE GUIDELINES**

All Department employees are governed by the Personnel Policies of the City of Texarkana, Texas and the General Orders Manual. In addition, Civil Service employees are governed by Chapter 143 of the Texas Local Government Code. Employees are responsible for familiarizing themselves with the information contained in the City of Texarkana, Texas Personnel Policy Handbook and the Texas Local Government Code, Chapter 143, as well as all Directives in the Department's General Orders Manual.

**B. EMPLOYEE INJURIES**

**1. SERIOUS INJURY OR DEATH - ON DUTY**

If an employee is seriously injured or killed while on duty, verbal notification shall be made immediately to the employee's division commander and the Chief of Police. A written report of the incident shall be submitted to the division commander by the employee's supervisor prior to the end of the tour of duty in which the injury or death occurred.

**2. The next of kin of an employee injured or killed while on duty shall be notified immediately. Notification shall be made by the Department Chaplain in person, unless an emergency situation warrants a telephone call. In the event the Chaplain is unavailable, the senior officer of the**

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employee's division on duty at the time of the incident shall make the necessary notification. Under no circumstances will the identity of an employee injured or killed in the line of duty be released to the media until the next of kin has been notified.

3. If an employee is seriously injured or killed while off duty, verbal notification shall be made as soon as possible to the employee's division commander and the Chief of Police.
4. If an employee receives a minor injury while on duty, a written report shall be submitted by the employee to his division commander prior to the end of the tour of duty in which the injury occurred. If the employee is unable to prepare a report, it shall be prepared and submitted by his supervisor.
5. If an employee receives a minor injury off duty which may render him temporarily unable to perform his regular duties, verbal notification shall be made as soon as possible to his division commander, who shall notify the Chief of Police.

**C. COMPENSATION FOR APPLICABLE OFF-DUTY INJURY**

1. Employees who have used sick leave or received injury leave for an applicable off-duty injury shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. This notice shall be filed before any action is taken and shall include the facts of the claim and the name of the respondent.
2. An example of an applicable off-duty injury would be an instance where an employee is out of town on Department business (such as training) and, while not actually on duty (i.e., after class), is injured and requires medical treatment. While technically not "on duty" during this period, the employee is, in effect, not on his own time.

**D. PREVENTION OF EXPOSURE TO COMMUNICABLE DISEASES**

1. If an employee suspects that he may be exposed to a subject who is infected with or is a carrier of any communicable disease, the employee shall utilize the issued rubber gloves and, when necessary in an emergency first aid situation, the breathing device located in each patrol unit, to arrest or provide first aid to the subject.
2. If contact is made with the bodily fluids of any person, whether infectious diseases are suspected or not, Department employees shall make every effort to properly cleanse the exposed areas by using sanitizing hand cleaner as soon as possible.
3. When an officer is called to the scene of a major crime and there is evidence that the victim has secreted bodily fluids, the officer should not enter the crime scene area unless there is an emergency need to do so.
4. If an employee reasonably believes he has been exposed to a communicable disease while on duty, the employee will notify his/her supervisor immediately.

**E. REPORTING POSSIBLE EXPOSURE TO COMMUNICABLE DISEASES**

1. If an employee suspects that he has been exposed to a serious communicable disease, the employee shall notify his/her supervisor and complete the proper Risk Management form. If the exposure involves some type of close contact, especially with the bodily fluids of a person

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suspected of having a serious communicable disease, the employee must immediately seek medical advice from a physician of their choice and consult with the City of Texarkana, Texas Employee Health Nurse as soon as possible.

2. If it is determined that an illness has occurred due to exposure while the employee was on duty, all charges incurred by the employee for tests, preventive medication, or treatment will be forwarded, with the appropriate documentation, to the Risk Management Office of the City of Texarkana, Texas, for Workers' Compensation consideration.

**F. NOTIFICATION OF DEATH OF FORMER EMPLOYEES**

Employees receiving notification of the death of a former employee shall notify the Chief of Police immediately.

**G. LIGHT-DUTY ASSIGNMENTS**

1. Temporary light-duty assignments, when available, are for officers and other eligible personnel with the Department who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light-duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignment. Therefore, it is the policy of this Department that eligible personnel be given a reasonable opportunity to work in temporary light-duty assignments as decided by the Chief of Police and when such assignments are available.
2. Employees are entitled to all privileges and provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
3. Nothing in this policy is intended to supersede Civil Service law. An officer who suffers a serious injury in the course of his regular duty will be given the full benefit of Section 143.073 of Chapter 143, Line of Duty Illness or Injury Leave of Absence.
4. Temporary light-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:
  - a. administrative functions (e.g. report review, special projects).
  - b. clerical functions (e.g. filing).
  - c. desk assignments (e.g. booking officer, bookkeeping).
  - d. report taking (e.g. telephone reporting).
  - e. communications (e.g. complaint taker).
5. Decisions on temporary light-duty assignments shall be made based upon:
  - a. the availability of an appropriate assignment given the employee's abilities;
  - b. the availability of light-duty assignments; and

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- c. the physical limitations imposed on the employee.
- 6. No specific position within the Department shall be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light-duty.
- 7. Light-duty assignments shall not be made for disciplinary purposes.
- 8. Every effort shall be made to assign employees to positions consistent with their rank and pay classification. However, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees thus assigned shall retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance.
- 9. Employees may not refuse temporary light-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider, although they may protest such assignments through established Department grievance procedures.
- 10. Temporary light-duty assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the Department.

**H. LIGHT-DUTY - ELIGIBLE PERSONNEL**

- 1. For the purposes of this policy, eligible personnel shall be defined as any full-time sworn or civilian member of the Department suffering from medically certified illness, injury or disability requiring treatment of a licensed health-care provider and who, because of injury, illness or disability, is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.
- 2. Temporary light-duty positions are limited in number and variety. Therefore, personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to light-duty.

**I. LIGHT-DUTY REQUESTS**

- 1. Requests for temporary light-duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed either by the treating physician or other licensed health-care provider. The certificate must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgment by the health-care provider of familiarity with the light-duty assignment and the fact that the employee can physically assume the duties involved.
- 2. The request for temporary light-duty and the physician's statement shall be forwarded to the Chief of Police or his designee.

**J. DURATION OF LIGHT-DUTY ASSIGNMENTS**

- 1. Light-duty assignments are strictly temporary and normally should not exceed 90 days in duration. After 90 days, personnel on temporary light-duty who are not capable of returning to their original

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duty assignment shall present a request for extension of temporary light-duty, with supporting documentation, to the Chief of Police or his designee.

2. As a condition of continued assignment to temporary light-duty, employees shall be required to submit to monthly physical assessments of their condition as specified by the Chief of Police.

**K. EMPLOYEE BENEFITS WHILE ON LIGHT-DUTY**

Assignment to temporary light-duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

**L. POSSIBLE LIMITATIONS FOR OFFICERS ON LIGHT-DUTY**

Depending upon the nature and extent of the disability, an officer on temporary light-duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon, or otherwise limited in employing police powers as determined by the Chief of Police.

**M. SECONDARY EMPLOYMENT WHILE ON LIGHT-DUTY**

Officers on temporary light-duty are prohibited from engaging in outside employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of the Department and that form the basis for their temporary light-duty assignment.

**N. PREGNANT OFFICERS**

1. Pregnant officers are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well-being. Where appropriate temporary light-duty assignments are unavailable, pregnant officers may pursue other forms of medical, disability or family leave (FMLA) as provided by this Department and state or federal law. On a monthly basis, pregnant officers shall submit physician's medical certificates that document:
  - a. the officer's physical ability to perform the present assigned duties;
  - b. the physician's appraisal that the type of work being performed will not injure the officer or her expected child; and
  - c. any recommended duty restrictions or modifications including temporary light-duty.
2. Pregnant officers shall be permitted to continue working on regular duty or temporary light-duty assignments as long as they present monthly physician certificates or until such time as a physician recommends that work be curtailed.

**O. RESPONSIBILITY**

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.