

# DISABILITY POLICY

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**I. Policy**

A police officer, in order to fulfill sworn duties, must be physically able to perform all of the tasks associated with the normal police function. Therefore, any officer who is subject to a physical or mental impairment which restricts his/her ability to carry out the police function will be relieved of normal duty requirements. This action will be taken on a case-by-case basis to best meet the needs of the officer, the community and the department. In formulation of this policy, the department acknowledges two interdependent responsibilities. First, the department, as employer, has a responsibility to provide support to an injured officer during the period of recovery and rehabilitation. Second, every officer has a responsibility to give forth his/her best effort to continue to work when able or return to work as soon as practical. (CALEA 52.3.3)

**II. Fitness Categories**

For the purpose of competently dealing with the personnel needs of the department, there are herein established three categories of fitness. The critical criteria for determination of the categories is the ability of an individual officer to perform the full scope of duties and responsibilities of a sworn police officer. The

categories established are: full duty, restricted duty and disability.

**III. Administration**

The primary responsibility for administration of this policy will be placed with a committee, hereinafter referred to as the Disability Review Board, composed of the Deputy Chief of Police and the Bureau Chiefs. This panel has the authority over administrative issues within the Police Department only. Issues pertaining to county, state or civil matters are addressed by other agencies. The coordination and control of all personnel in a restricted duty, limited duty, light duty, temporary no duty or disabled status rests with the Disability Review Board. Transfers, reassignments (either temporary or permanent) of personnel, who are in a status other than full duty, will be made only by the Chairman of the Disability Review Board with the approval of the Chief of Police. Documentation pertaining to any such transfers will be provided to the respective bureau chief, district/unit commander, Personnel Section, and any other individual as appropriate.

**IV. Full Duty**

Officer is able to fully perform all duties and meet all responsibilities required of a sworn police officer.

**V. Restricted Duty**

Officer is not able to fully perform all duties or meet all responsibilities required of a sworn police officer. Further, the reason for the incapacitation is determined to be of a temporary nature. An officer in this fitness category must have moderate levels of physical fitness and mental health as determined by a medical authority. Within the fitness category of restricted duty, an

officer will be in either a limited or light duty status.

A. The following conditions apply to all officers on restricted duty, (either limited or light duty categories):

1. The officer must submit a physician's certification of condition and/or be examined by a Employee Medical Examiner as required by his/her respective bureau chief.
2. If the officer is performing in the limited or light duty assignment at an acceptable level of competency, he/she is eligible to receive a regular service increment.

B. Limited Duty

1. An officer will be placed in a limited duty status when the officer can perform most of the duties assigned; however, a specific, temporary medical limitation exists regarding the type or degree of duties the officer is physically capable of performing. The medical limitations must be well-controlled and present no unreasonable risk to the individual, other employees or the public during performance of duty.
2. An officer in a limited duty status may be assigned, on a temporary basis, to a position which has assigned duties and responsibilities consistent with his/her medical restrictions. This assignment will be made by the bureau chief with the concurrence of the Disability Review Board and Chief of Police. Upon return to full duty, the officer will normally return to his regular assignment.

C. Light Duty

1. Officers will be placed in a light duty status when temporarily incapacitated such that they cannot perform all of the duties of their assignment without presenting an unreasonable risk to the health or safety of themselves, other employees or the public. Light duty includes, but is not limited to, pregnancy.
2. An officer in a light duty status will be assigned to a duty position by his/her bureau chief with the concurrence of the

Disability Review Board and the Chief of Police. The duty assignment will be determined in accordance with the needs of the department and be compatible with the restrictions caused by the injury or illness.

3. An officer on light duty is subject to the following conditions:
  - a. Officer is relieved of all law enforcement responsibility. NOTE: being relieved of law enforcement responsibility means an officer is not required to take police action, but in his judgment he may take action. This decision must be made by the officer on a case-by-case basis after considering the risk of further injury to the officer, the potential injury to the victim of the crime and/or bystanders, and the nature of the event.
  - b. In stress and psychological cases and in unusual or extenuating circumstances when it is in the best interest of the department, the district/unit commander will confer with the respective bureau chief to determine what, if any, further personnel action is necessary. Various factors, such as the officer's ability to handle a weapon, operate an unmarked police vehicle, make an arrest, deal with the public, etc., will be considered before a determination is made as to what restrictions should apply to the officer.
  - c. If it is determined that the officer's police powers are to be suspended, the commanding officer or his designee will complete MCP 553 (Suspension of Police Powers) and MCP 552 (Memo of Notification).
  - d. In all cases, the officer will be notified in writing by his commanding officer or designee as to what restrictions apply.
  - e. Officers will not operate a marked police vehicle. A PPV participant will relinquish the car for the period of light duty. The officer may

operate administrative vehicles in a non-emergency capacity, i.e., administrative duties.

- f. A line officer in a light duty status will be temporarily reassigned to an appropriate position within the department. A staff officer may continue to perform in his/her regular assignment depending upon the nature of the injury.

D. Temporary No-Duty (CALEA 22.2.4)

- 1. Officers will be in a temporary no-duty status when they are unable to perform the duties and responsibilities of the assignment without representing an unreasonable risk to themselves, other employees or the public. An officer on sick leave or disability leave will be in this status and his/her return to another status must be certified by the County Medical Section if a duty-related sickness or injury exceeds three (3) days or if a non duty-related sickness or injury exceeds fifteen (15) days. Sick leave approved in advance for such incidents as medical appointments, family illness, etc., will be an exception to this policy in that the officer will not be in a no-duty status. In other extenuating circumstances, such as leaving work due to a sudden illness or a minor injury, the officer's immediate supervisor may grant permission for the officer to operate a PPV for a reasonable period of time in order to return to his principal place of residence.
- 2. The following conditions apply initially to an officer in a no-duty status:
  - a. The officer will not wear the police uniform.
  - b. The officer will not operate a police vehicle.
- 3. An officer using more than five (5) consecutive days of sick leave shall submit to his/her supervisor a certificate from a physician or other recognized medical practitioner. The certificate shall confirm the illness and the officer's inability to report to work or to perform part or all of the duties and

responsibilities of his position and the dates of treatment.

- 4. When an officer is in the no-duty status, his/her supervisor/unit commander will have the following responsibilities:
  - a. Determine the projected duration of the illness or injury. If the duration is expected to be five (5) work days or less, no further action needs to be taken.
  - b. If the duration is expected to be more than five (5) work days, the supervisor will provide the information described in V.D.3. to the district/unit commander.
  - c. The district/unit commander will confer with the respective bureau chief to determine what further personnel action (if any) will be taken. After evaluating various factors such as the officer's ability to handle a weapon, operate a police vehicle, make an arrest, deal with the public, etc., a determination will be made as to what restrictions will apply to the officer.
  - d. If it is determined that the officer's police powers are to be suspended, the commanding officer or his designee will complete MCP 553 (Suspension of Police Powers) and MCP 552 (Memo of Notification).
  - e. In all cases, the officer will be notified by his/her commanding officer or designee as to what restrictions apply in his/her case.
- 5. When the officer remains in this status for more than three (3) days if the cause was job-related or more than fifteen days (15) if the cause was not job-related, the following conditions will apply in addition to those (V.D.2 a and b) above:
  - a. The service increment will be delayed if the period of no-duty exceeds 50% of the rating period in accordance with County Personnel Regulations. In such cases, reassignment of increment dates is not always necessary. The supervisor should not evaluate the officer and note accordingly on the

evaluation form that the evaluation will not be given due to the officer's extended absence. The officer's evaluation period should also be extended commensurate with the delay of increment. The officer must be notified in writing by the department head and be given the reason for the delay prior to the effective date of the action. The necessary paper work should be completed and sent to the Police Personnel Section via the chain of command by the fifth of the month (preceding the increment date) to ensure timely processing.

Supervisors may contact the Police Personnel Section for further information on this procedure.

- b. The bureau chief and/or district/unit commander may require the officer to submit additional written medical certificates from the treating physician(s) confirming the illness/injury and the officer's inability to report to work or to perform part or all of the duties and responsibilities of his/her position and the dates of treatment.
- 6. A service increment shall not be delayed or denied because of a service connected injury or illness, provided the officer received a satisfactory or acceptable evaluation in the preceding rating period

**VI. Disability**

Officer has sustained an injury, contracted an illness, or developed a mental or physical problem which causes a permanent impairment in his/her ability to fully perform the duties and responsibilities of a police officer as determined by medical authority, and return to full duty constitutes a health or safety risk to other employees or the public.

- A. Options available to a disabled employee:
  - 1. Temporary limited duty assignment - an officer who is disabled may be assigned to an available position within the department which meets the limitations of his/her medical restrictions. The position

will normally be at a comparable pay grade/job class as held by the disabled officer. Assignment to such a position will be made by the Disability Review Board. The disabled officer can be so assigned non-competitively provided he/she meets all other minimum requirements for the position.

Restrictions as to power of arrest, carrying the weapon, use of police vehicles, etc., will be determined on a case-by-case basis by the bureau chief and the respective district/unit commander.

- 2. Transfer to regular county service - If an officer cannot be accommodated within the department, he/she may, at his/her option, request to be transferred to a regular county position. This action is handled by the Committee for Reasonable Accommodation in the Office of Personnel of the county government. Placement is dependent on availability of positions and the ability of the officer to meet the minimum qualifications of the position. Transfer to a position under reasonable accommodation can be done non-competitively. If an officer, who accepts such a transfer has not reached his/her early retirement date under Group E retirement, he/she will be transferred to Group A retirement. At the time of the transfer, the officer will receive 1.25 years of credited service in Group A for every one (1) year of service in Group E.
- 3. Disability retirement - in lieu of working in a temporary limited duty assignment or transferring to regular county service, a disabled officer may apply to the County Disability Retirement Board for disability retirement.

**B. Promotion of an officer in temporary limited duty status**

- 1. An officer in temporary limited duty status:
  - a. Will retain his/her current standing on any existing promotion list at the time of the disabling injury or illness until the expiration of the list.

- b. May compete in promotional processes.
- 2. When a vacancy exists in a rank which the disabled officer is eligible to be promoted to:
  - a. The officer will request a waiver from the Disability Review Board for that position to be filled by the requesting officer.
  - b. The Disability Review Board will request an opinion from the County Medical Section as to how the medical limitations of the officer will affect his/her ability to fulfill the duties and responsibilities of the next rank.
  - c. The Disability Review Board will review the duties and responsibilities of the position and the medical limitations of the officer and either grant or deny the waiver.
  - d. If the waiver is granted, the officer can compete for the assignment through the normal process.

**VII. Procedures (to be taken when an officer sustains a serious injury or illness)**

**A. Immediate supervisor's responsibilities:**

- 1. Conduct preliminary investigation of the cause of the *injury/illness*.  
***Provide an Employee's Claim Workers' Compensation Commission Form (MP C1), to the injured officer. The officer is responsible for completing the MP C1.***
- 2. ***In cases where the injury/illness is obviously job related***, notify the Division of Risk Management (217-7240) that the officer was injured in a *work*-related accident, the time and location of the accident, the medical estimate of the length of time the officer will be *out of work* (if available), and the fact that the officer is being placed on *administrative leave (code AD5) pending review by the Division of Risk Management*.
- 3. ***The injured officer's timesheet will be coded as AD5 for the interim period between the injury/illness and the official determination by Risk***

***Management that the injury/illness is compensable. If the injury/illness is compensable, future timesheet entries must use the disability leave code (DAL) and not AD5.***

***If the officer's injury/illness is not deemed compensable, the officer's pay or leave balance must be adjusted in the following order of priority: first-sick leave; second-annual leave; third-compensatory leave third; and fourth-leave without pay. The administrative leave (AD5) originally granted on an interim basis will be converted to sick leave and other accrued leave as indicated above.***

- 4. Ensure that a doctor's certification is obtained and given to the unit/district commander.  
NOTE: The unit/district commander must formally request disability leave by memorandum and attach the doctor's certificate or the officer will be placed on sick leave by the Payroll Section.
- 5. Since the Division of Risk Management notifies Payroll Division if disability status does or does not apply, it is important that claim forms, disability requests and other paperwork be submitted and processed as quickly as possible to avoid undue hardships to employees.
- 6. Maintain regular contact with the injured officer for the period of disability (minimum of one personal contact per week).

**B. Unit/District Commander's responsibilities:**

- 1. Write a memorandum to Risk Management via the chain of command requesting disability leave for the officer. This memorandum must include: the date and time of the accident, the nature of the injury, the request for disability leave, and the expected duration of the leave. Further, the doctor's certificate must be attached to the memorandum.  
NOTE to Commanders: If this memorandum will not reach Risk Management by the end of the current pay period, contact Risk Management

staff by phone, advise them you will be forwarding the documentation and disability leave will be granted pending the arrival of your memorandum.

2. Advise the officer of his right to file a Workers' Compensation claim and assist him as necessary.
3. Ensure that all departmental reports required in Function Code 350 are filed.
4. Notify the Chairman of the Disability Review Board when an employee is in any status other than full duty in excess of one pay period.

C. Disability Review Board's responsibilities:

1. Initial review by the respective bureau chief of each case of injury, sickness, etc., for the purpose of determining the appropriate fitness category for the officer.
2. Obtaining information from the officer's private physician and the County Medical Section.
3. Advising the Chief of Police of the current status of all officers who are not in a full duty status.
4. Making recommendations to the Chief of Police with regard to specific personnel actions which must be taken on an individual case.
5. Ensure that the alternative assignment provision of the disability leave regulations is enforced.

D. Personnel Section's responsibilities:

1. Maintain current information on all disability and Workers' Compensation procedures and provide this information to injured officers upon request.
2. Explain to the officer his/her rights and responsibilities.
3. Advise the Disability Review Board on specific problems and/or regulations.
4. Maintain liaison with the County Personnel Office concerning the overall disability policy and specific cases involving police officers.
5. Oversee the department's accommodation efforts under the guidelines of the County's Reasonable Accommodation program.

### VIII. Chronic Incapacity Assignment Review Committee

- A. Definition of Chronic Incapacity:  
An injury, illness, or physical or mental condition which causes a chronic, open-ended, and indeterminate inability to continue to perform one or more of the principal tasks of a police officer as set forth in the class specifications.

- B. Chronic Incapacity Assignment Review Committee  
The committee shall have six members, three of which will be appointed by the department and three by the Fraternal Order of Police. The committee shall meet as needed. A meeting may be called by either the department or the Fraternal Order of Police. The chairperson of the committee shall serve for six months and shall be selected alternately among the members of the committee.

C. Duties

1. The committee shall review the assignment of chronically incapacitated police officers and make recommendations to the Chief of Police as to those assignments. The committee may also recommend to the Chief of Police that certain positions within the department be made available to chronically incapacitated officers.
2. The committee shall make advisory recommendations to the Chief of Police. The committee shall make itself familiar with the duties of the class specifications and carefully review all facts and information presented to it.
3. Prior to making a decision or taking an action based on any medical findings, the Chief Administrative Officer and Chief of Police must determine if the problem is correctable and whether or not "reasonable accommodation" could be made.

- D. The Chronic Incapacity Assignment Review Committee shall not interfere with, impede, or

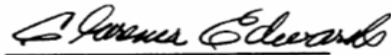
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supersede any provision of the Montgomery County Retirement Law. Placement in any assignment as accommodation for a chronic incapacity shall be in the classification and grade held by the employee at the time of the assignment. Such assignment shall be noncompetitive.

**IX. Proponent Unit:** Personnel Section

**X. Cancellation**

This directive cancels Department Directive 84-13, Function Code 380 and Headquarters Memoranda 83-27, 87-31, 88-41, 89-05, 89-23.



**Colonel Clarence Edwards**  
**Chief of Police**