OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13 **July 25, 2023**

SUBJECT: **SECONDARY EMPLOYMENT AND PROHIBITED ACTIVITIES WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS – ESTABLISHED; STRENUOUS ACTIVITIES PROHIBITED WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS – ESTABLISHED; TEMPORARY DISABILITY EVALUATION/ACCOMMODATION – REVISED; AND, RESPONSIBILITY OF EMPLOYEES WHILE ON SICK OR IOD STATUS – RENAMED AND REVISED**

BACKGROUND: Occupational injuries and illnesses are serious and often stressful events for employees and their families. While the nature and severity of these incidents vary with each employee, the goal of a timely and effective rehabilitation remains the primary concern for the Department.

PURPOSE: In an effort to ensure the employee's recovery process remains unimpeded, the purpose of this Order is to establish protocols concerning secondary employment permits and various physical activities while Department personnel are on sick, injured on-duty (IOD), temporary total disability (TTD) status, or working temporary modified duty assignments.

PROCEDURE:

I. **SECONDARY EMPLOYMENT AND PROHIBITED ACTIVITIES WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS – ESTABLISHED.** Department Manual Section 3/711.65, *Secondary Employment and Prohibited Activities While on Sick, Injured On-Duty, or Temporary Total Disability Status*, has been established and is attached.

II. **STRENUOUS ACTIVITIES PROHIBITED WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS – ESTABLISHED.** Department Manual Section 3/711.68, *Strenuous Activities Prohibited While on Sick, Injured On-Duty, or Temporary Total Disability Status*, has been established and is attached.

III. **TEMPORARY DISABILITY EVALUATION/ACCOMMODATION – REVISED.** Department Manual Section 3/711.75, *Temporary Disability Evaluation/Accommodation*, has been revised. It is attached with the revisions in italics.

IV. **RESPONSIBILITY OF EMPLOYEES WHILE ON SICK OR IOD STATUS – RENAMED AND REVISED.** Department Manual Section 3/711.60, *Responsibility of Employees While on Sick or IOD Status*, has been renamed, *Responsibility of Employees While on Sick or Injured On-Duty Status,* and revised. It is attached with the revisions in italics.

AMENDMENTS: This Order amends Sections 3/711.60 and 3/711.75; and adds Sections 3/711.65 and 3/711.68 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachment

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DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 13, 2023

711.60 RESPONSIBILITY OF EMPLOYEES WHILE ON SICK OR *INJURED* ON-*DUTY* STATUS. Employees off-duty due to *Injury On-Duty (*IOD*),* or illness*/injury (off-duty)* shall:

- Contact a supervisor in their assigned division on the seventh day, *when off-duty for that duration,* and at least once every seven days thereafter for the purposes of providing a report of their status and maintaining contact with the Department for duty-related matters. A watch commander may waive the periodic notification requirement and establish a less frequent schedule when extenuating circumstances exist;
- Notify a supervisor or watch commander in their assigned division prior to leaving, when they intend to leave their residences at any time for a period in excess of 48 hours while on sick or IOD status. Employees shall furnish a supervisor in their assigned division with address(es) and telephone number(s) where they can be reached while on extended absence*(s)* from their residence*;*
- *Ensure that their healthcare provider completes an Injury Status Report (ISR), Form Gen. 195 (or work status report from their own physician stationary) after each visit by the employee;*
- *Hand-carry, fax, or scan and email Form Gen. 195 or Treating Physician's Work Status Report directly to their immediate supervisor or Sick/IOD Coordinator;*

  Note: *The Sick/IOD Coordinator shall forward the document via Grey Mail (mailstop 400) to Medical Liaison Section, Personnel Division (Division #620).*

- *Immediately notify their watch commander or officer in charge (OIC) in their assigned division of a release from their healthcare provider(s) to return to modified duty and/or a full duty assignment. Notify their watch commander or OIC of any change in their medical restrictions imposed by the healthcare provider(s).*

  Note: An employee may contact the watch commander during normal business hours to fulfill the notification requirements.

Supervisor/Watch Commander Responsibili*ties*. A supervisor or watch commander receiving weekly telephonic notification from an employee on sick or IOD status shall report the results of each conversation on the Sick or Injury Report, Form 01.30.00, as a sick revisit.

Note: This does not affect the responsibility or authority of supervisor/watch commanders to initiate periodic sick visits pursuant to Manual Section 3/718.

Commanding Officer Responsibilities. The employee's commanding officer shall review the Form 01.30.00 and determine whether *additional information, clarification, or documentation is needed.*

Commanding Officer, Personnel Division Responsibilities. The Commanding Officer, Personnel Division, at the request of the employee's commanding officer, shall *request* a medical examination by Medical Services Division, Personnel Department, *City of Los Angeles,* when such *a request* is deemed necessary.

> **Note:** In cases of IOD, the examining doctor shall be designated by *the* Workers' Compensation Section, Personnel Department, *City of Los Angeles.*

711.65 SECONDARY EMPLOYMENT AND PROHIBITED ACTIVITIES WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS. *While a Department employee is on sick, injured on-duty (IOD), or temporary total disability (TTD) status for more than seven (7) days, all current secondary employment work permits for that employee shall be immediately suspended. The suspension will remain in effect until the employee's healthcare provider releases the employee to return to work or the employee obtains written authorization from the Commanding Officer (CO), Administrative Services Bureau (ASB), to resume any secondary employment.*

If an employee receives written authorization from the CO, ASB to resume secondary employment while on restricted duty, the authorization shall be reviewed every thirty days, commensurate with the employee's medical update requirement (i.e., a new Form Gen. 195 or Treating Physician's Work Status Report every 30 days).

> ***Note:*** *Temporary total disability (TTD) is a designation made by the employee's treating physician indicating the employee cannot perform work in any capacity. It is a non-taxable wage replacement benefit paid by the City over a seven-day week and is designed to supplement City wages while an employee is temporarily disabled.*

An application to resume secondary employment will be evaluated based on the nature of the employee's injury, illness, or disability with respect to the nature of the physical demands of the proposed secondary employment, as well as any similarity in the nature of the duty(ies) to be performed compared to any available temporary modified duty assignment within the Department.

Note: *The Department reserves the right to review and/or suspend an employee's Permit for Secondary Employment who is on "Family Ill" status for more than seven (7) days.*

While on sick, IOD, or TTD status, Department employees shall not engage in any activity that furthers the interests (either financially or operationally) of a business or organization if the Department employee receives remuneration (directly or indirectly) for the activity. This restriction does not prohibit volunteer activities that are consistent with the employee's medical work restrictions. This restriction will remain in effect until the employee's healthcare provider releases the employee to return to work or the employee obtains written authorization from the CO, ASB, to engage in such activity.

Department employees who engage in secondary employment or an activity that furthers the interests of a business or organization (for remuneration), while on sick, IOD, or TTD status without ***prior*** *CO, ASB, approval may be subject to discipline up to or including termination.*

711.68 STRENUOUS ACTIVITIES PROHIBITED WHILE ON SICK, INJURED ON-DUTY, OR TEMPORARY TOTAL DISABILITY STATUS. *Department employees who are on sick, injured on-duty (IOD), or temporary total disability (TTD) status shall avoid any strenuous physical activity. Strenuous physical activities include any sporting, recreational, or volunteer activity that may prolong an employee's recovery, hinder their ability to return to work in a timely manner, or is inconsistent with the employee's work restrictions and for which the employee does not have expressed consent from their treating physician to engage in.*

Employee's Responsibilities. *An employee who is on sick, IOD, or TTD status shall* ***not*** *engage in any activity that may be deemed a strenuous physical activity without* ***prior*** *written approval by their treating physician* ***and*** *the Commanding Officer, Personnel Division, who is the Department's designated Disability Management Coordinator. Department employees who desire to engage in an activity that may be deemed a strenuous physical activity shall follow these procedures to obtain authorization to engage in the proposed activity:*

- *Obtain an Injury Status Report (ISR), Form Gen. 195, or other written documentation reflecting their healthcare provider's determination that the proposed activity is not a strenuous physical activity and grants the employee permission to engage in the specified activity;*

  Note: *The written determination and permission from the treating physician shall accurately describe the proposed activity and specifically address the extent of the*

activity (i.e., number of days, hours, and frequency), along with an evaluation explaining that the proposed activity will not hinder the employee's recovery and return to work.

- *Discuss the proposed activity in detail with their Sick/IOD Coordinator, including whether the employee is able to engage in a limited modified duty assignment that does not prolong their recovery period, hinder the employee's timely return to work, or is inconsistent with the employee's medical work restrictions; and,*

- *Prepare an Employee's Report, Form 15.07.00, to the employee's commanding officer (CO) and Sick/IOD Coordinator, thoroughly detailing (i.e., description, location, duration, and frequency) the proposed activity, along with a statement from the employee indicating that the activity will not impact their recovery from the illness, condition, or duty-related injury, if applicable. The Employee's Report shall also include the following attachment(s):*

    - *A copy of the ISR or other written document signed by the employee's treating physician that provides the requisite determination and permission to engage in the specified activity; and,*
    - *A copy of all writings, emails, or texts in which the employee discussed the proposed activity with their Sick/IOD Coordinator. If the employee's discussions with their Sick/IOD Coordinator were verbal only, the employee shall provide a summary of the discussions with the dates and times of the discussions on an Employee's Report, Form 15.07.00.*

If approval is obtained, Department employees shall continually assess their injury/illness and the physical demands of the activity in which they are engaging – while remaining in constant consultation with their healthcare provider – to ensure that such activity does not prolong their recovery period, hinder their ability to return to work in a timely manner, or become inconsistent with their work restrictions. If at any time the employee's physician determines the activity compromises the employee's timely return to work and documents such on Form Gen. 195 or Treating Physician's Work Status Report, the employee's continued participation in said activity will be considered misconduct.

Commanding Officer's Responsibilities. *Upon receiving the Employee's Report, the CO shall:*

- *Review the circumstances of the employee's injury or condition and any documentation concerning the incident, including previously documented medical restrictions and diagnosis;*

- *Ensure that all of the required documents and information are included. If the Employee's Report is incomplete, instruct the employee to submit any missing information or incomplete documents within seven calendar days;*

- *Review with the employee's Sick/IOD Coordinator:*

    - *The proposed activity;*
    - *The employee's restrictions;*
    - *The duration of the employee's sick, IOD, or TTD status as it relates to the 180-day cumulative Modified Duty Assignment Program guidelines, if applicable;*
    - *The employee's ability to engage in a light-duty assignment; and,*
    - *Whether further information is required.*

- *Discuss any concerns with the employee; and,*

    Note: *This is an opportunity for COs to ensure that the employee understands the importance of avoiding activities that could prolong or impede their return to full-duty, particularly as it relates to the Department's Reasonable Accommodation Process, if applicable.*

- *Ensure that a copy of the Employee's Report and the original ISR or written determination and permission from the employee's health care provider are forwarded to Medical Liaison Section, Personnel Division. Retain a copy of the Employee's Report* ***without*** *the ISR, doctor's note, or supporting documentation in the employee's Area/ divisional package.*

    Note: *Medical Liaison Section shall be responsible for maintaining medical records for all Department personnel. Medical information shall* ***not*** *be kept in the employee's divisional package.*

Commanding Officer, Personnel Division's Responsibilities. *The CO, Personnel Division, is the Department's Disability Management Coordinator (DMC). The DMC has sole authority and discretion to approve or deny a request by sworn personnel for participation in strenuous activities while on sick, IOD, or TTD status.*

Upon receipt of an Employee's Report requesting permission to participate in a potentially strenuous activity while on sick, IOD, or TTD status, the DMC shall:

- *Review the Employee's Report for completeness;*

- *Review the associated documentation; and,*
- *Return the Employee's Report to the affected employee within five business days, if additional information is needed; or,*
- *Return the Employees Report to the affected employee within ten business days, following receipt of all necessary documentation, with a rendering of "approved" or "denied."*

Sworn personnel who are on sick, IOD, or TTD status and engage in strenuous physical activities in violation of this section may be subject to disciplinary action up to and including termination.

711.75 TEMPORARY DISABILITY EVALUATION/ACCOMMODATION.

Temporary Modified Duty Assignments Defined. Temporary modified duty assignments are:

- Temporary accommodations within the Department *with a definitive end date;*
- *P*rovided to employees who temporarily cannot perform the essential functions of their civil service position;
- *A*uthorized by the Commanding Officer *(CO)*, Personnel Division, who has been designated as the Department's Disability Management Coordinator (DMC), and approved by the Chief of Police; and,
- *Subject to t*he Chief of Police or their designee*'s discretion*, based on an employee's restrictions and the best interests of the Department.

  Note: *The Department does not have any permanent modified duty assignments. All modified duty assignments are on a limited, temporary basis as defined by Department policies and procedures.*

Guidelines Governing Temporary Modified Duty Assignments. *The guidelines governing temporary modified duty assignments are:*

- All employees seeking a temporary accommodation may be subject to a different work location, schedule change, shift change, or a change of duties;
- Temporary modified duty assignments shall be evaluated periodically by the Return to Work Section (RTWS), Personnel Division, to ensure consistent treatment of injured or ill employees and to assess the continued temporary accommodation of an employee outside the essential functions of their civil service position. This shall be accomplished in accordance with the *180-day cumulative* Modified Duty *Assignment* Program guidelines. The C*O*, Personnel Division, has been designated as the Department's DMC;

- No employee shall be given a temporary modified duty assignment when the medical evaluation or restrictions indicate that the employee is incapable of performing in a modified position; and,
- Any employee in a temporary modified duty assignment who remains unable to perform the essential job functions of their civil service position after 45 calendar days shall be referred to the RTWS for a preliminary determination of the likelihood that the work restrictions will become permanent and to assess how the restrictions will affect the employee's ability to perform the essential functions of their civil service position.

Note: If sufficient medical information is not available to make a preliminary determination, the RTWS shall continue to monitor the employee for an additional 45 days, or until sufficient medical information becomes available.

When it appears that the work restrictions will not be permanent, and the restrictions can be accommodated within the essential functions of the employee's regular position, the DMC shall continue to monitor for potential changes and return the employee to their regular position, consistent with any work restrictions.

When it appears that the work restrictions will be permanent and that they would preclude the employee from performing their essential job functions, the RTWS *shall* meet with the employee to begin the interactive process:

- No later than 90 days after the date of injury, the RTWS will review all files where an employee has been off work, Injury *O*n-Duty (IOD) or sick continuously, or remains accommodated in a temporary modified duty assignment. If an employee is off work, the RTWS will obtain updated medical information to determine whether a temporary modified duty assignment is appropriate. If an employee *has been* accommodated in a modified duty assignment and remains unable to perform the essential functions of their civil service position, the RTWS shall make a determination whether the work restrictions are likely to become permanent. In cases where it appears that work restrictions will become permanent, the RTWS *shall* engage in the interactive process to assess for a permanent accommodation. When it appears that work restrictions will not become permanent, and an employee will be able to return to full non-restricted duty within the next 60 days, the employee may be retained in the temporary modified duty assignment;
- No later than 150 days after the date of injury, the RTWS will assess any employee remaining in a temporary modified duty assignment. If an employee has been temporarily accommodated and is not expected to return to a full duty assignment, the RTWS shall determine the need for the continued modified duty assignment. The RTWS

may consult with the Personnel Department's Equal Employment Opportunity and Worker's Compensation staff to determine whether to place an employee off work, on sick or IOD status, depending on the origin of the injury;

- The concerned employee's divisional *Sick/IOD* Coordinator shall liaise with the RTWS to continue appropriate monitoring at all times;
- If after 180 days, the DMC determines that an employee's temporary accommodation can no longer continue and that the employee should be placed off work, or the employee has been continuously off work, IOD or sick status, the employee may be transferred to Personnel Division. The RTWS shall assume monitoring responsibility for employees transferred to Personnel Division;
- Any employee transferred to Personnel Division pursuant to this policy may provide the Department with a medical note from their treating physician at any time indicating that the employee is medically capable of performing the essential job functions of their civil service position, with or without restrictions. In such circumstances:

    - Employees without work restrictions will be returned to the original assigned division;
    - Employees with work restrictions may be returned to the original assigned division if there is a position at that division which can accommodate the restrictions. If the division cannot accommodate the restrictions, the Department will make every effort to place the employee in a position that can accommodate the restrictions, as close to the employee's former division of assignment as possible; and,
    - If the return of an employee from Personnel Division to their former division causes the division to be over-staffed in a particular class and/or paygrade, the Department may reassign an individual from that division to another division within the Department. In such cases, the Department will utilize the Managed Attrition Policy to determine *which employee will* be reassigned.

      Note: An employee assigned to Personnel Division and returned to the original division of assignment will be considered to have continuous service at the original division for the purpose of calculating displacement seniority for managed attrition.

      Note: When a *CO* replaces an employee who has been transferred to Personnel Division, the *CO* is to notify the replacement that if the original employee returns and causes the division to be overstaffed, the Managed Attrition Policy may be used to restore level staffing which may result in the replacement being moved to another division.

- Employees assigned to temporary modified duty assignments remain eligible for overtime assignments that do not conflict with any medical restrictions; and,
- The *CO* of any employee with work restrictions shall review work permits to ensure that secondary employment does not conflict with the employee's medical restrictions.

Request for a Temporary Modified Duty Assignment Due to a Work-Related or Non-Work-Related Illness/Injury.

Employee's Responsibilities. When an employee is informed by their treating physician that the employee is medically capable of returning to work, the employee shall:

- Immediately notify their supervisor;
- Provide the Department with documentation of any medical restrictions imposed by the employee's treating physician;
- Obtain authorization to work and/or restriction(s) regarding temporary modified duty status from *their* treating physician; and,
- Provide their physician's determination to their immediate supervisor within five business days.

Commanding Officer's Responsibilities. When a CO receives a request for a temporary modified duty assignment, the CO shall:

- Compare the employee's medical restrictions with available assignments at the Area/division and make every reasonable effort to provide a temporary modified duty assignment;
- Notify the Return to Work Section, Personnel Division, immediately of any employee who is either placed in/or denied a temporary modified duty assignment;
- Ensure that any employee placed into a temporary modified duty assignment is denoted as "LD" for official Department time keeping purposes; and,

  Note: The "LD" code shall be used only for employees in a temporary modified duty assignment.

- Contact the concerned bureau *Sick*/IOD Coordinator for consideration for temporary modified duty placement within the *b*ureau when an employee*'s work restrictions* cannot be accommodated in their assigned division.