



3-19 RESTRICTED DUTY TEMPORARY ASSIGNMENTS

3-19-1 Policy

Department policy is to define temporary assignments for eligible sworn employees in accordance with established City guidelines and requirements, to define restricted duty, and to establish rules for determining the employment status of sworn employees placed on restricted duty.

3.19.2 Definitions

A. Restricted Employee

Any sworn employee who is injured on or off-duty to the extent he/she is restricted from performing all the essential functions of the job.

Any sworn employee who has a physical or mental health condition diagnosed by an authorized, licensed physician, which restricts him/her from performing all the essential functions of the job.

Any sworn, pregnant employee who is restricted from performing all the essential functions of the job.

B. Essential Functions

The essential functions of the job for every sworn employee include the ability to participate in a forceful arrest.

C. Restricted Duty Assignment

A productive assignment during the period of time sworn employees are classified as being on restricted duty, which does not exceed restrictions placed on the person by an authorized licensed physician. The assignment will be determined by the affected employee's bureau head.

D. Temporary Restrictions/Restricted Duty Status

The work classification designating those sworn employees who are on a restricted duty assignment due to a physical and/or mental health condition and/or limitation.

E. Maximum Medical Improvement (MMI)

The date after which further recovery from or lasting improvement to an injury can



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no longer be reasonably anticipated based upon reasonable medical probability.
(Workmen's Compensation Act - Chapter 52, Article 1 NMSA 1978).

3-19-3 Rules and Responsibilities

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A. Restricted Employee

1. The Department reserves the right to deny a restricted duty assignment for non-duty related injuries or physical or mental health conditions diagnosed by an authorized, licensed physician, which restricts a sworn employee from performing all the essential functions of the job.
2. Any sworn employee who is put on any restriction for an on-duty or off-duty injury by an authorized licensed physician or psychologist must immediately report the restriction to his/her chain of command up to and including the duty chief and the APD Human Resources Manager and will adhere to the following:
 - a. If the restriction is placed on the sworn employee during his/her regular shift, the notification to the chain of command and APD Human Resources Manager must occur by the end of the shift.
 - b. If the restriction is placed on the sworn employee outside the sworn employee's normal working hours, the notification must be made to the chain of command up to and including the duty chief prior to the beginning of the next scheduled shift.
 - c. Sworn employees will submit the physician's documentation of restrictions to their supervisor by the end of that day, if it is a regular business day, or by the end of the next regular business day to ensure accuracy.
 - d. The supervisor's Injury Investigation Report Form and any related documents will be immediately forwarded through the chain of command up to the respective bureau head and to the APD Human Resources Manager.
 - e. Sworn employees placed on Restricted Duty Status that requires the sworn employee to miss or reschedule either a Firearms Qualification, or Physical Wellness Assessment or Maintenance of Effort (MOE) Training will forward a copy of the medical documentation to the Director of Training.
3. To ensure that every sworn employee is treated fairly and consistently with regard to confidentiality and the individual circumstances of each case, every restriction must be reported to the APD Human Resources Manager.
 - a. The supervisor is responsible for reporting the restriction to the Human Resources Manager by the end of that day, if it is a regular business day, or by the end of the next regular business day.
4. The supervisor will direct the sworn employee to report to the APD Human Resources Manager, who will assign the sworn employee a job for the duration of the restricted duty. The sworn employee will bring all pertinent paperwork with them.



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- a. Under no circumstances will a sworn employee with restrictions be allowed to report to work for any assignment, unless such an assignment has been made or approved by the affected sworn employee's bureau head prior to the work being performed.
5. Based on the restrictions, the affected bureau head will ensure that the particular facts and circumstances of each individual sworn employee are evaluated to determine the appropriate assignment and the duration of such an assignment.
 - a. The sworn employee's work hours and assignment will be determined by the affected employee's bureau head and may be consistent with the work hours and days off of the unit to which the employee is assigned.
6. After 90 calendar days of restricted duty the APD Human Resources Manager and bureau head will review the medical status of the sworn employee. The assignment can be extended with proper documentation from the sworn employees' medical provider. Each case will be reviewed and evaluated on a case by case need. The department reserves the right to request when MMI will be attained.

B. Return to Full-Duty Status from Restricted Duty Status

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1. Sworn employees returning to full duty status from restricted duty status will follow the procedures for returning to work found in the Scheduled and Unscheduled Leave SOP.
2. Sworn employees who are fully approved by the Employee Health Center and City Risk Management for all duties of their normal position will return to their assignment.
3. Restricted Duty Limitations

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While on restricted duty, sworn employees:

- a. May be restricted from working any outside employment, as determined by the Chief of Police.
- b. Shall not be permitted to sign up for or work Chief's Time.
- c. Shall not wear their uniform, but shall dress in appropriate attire based on their assigned unit Standard Operating Procedures.
- d. Shall not be allowed to participate in the Department physical assessment program or any other sanctioned activity which conflicts with the medical reason for which the employee is on restricted duty.
- e. Shall comply with policies regarding range qualification and training, and the carrying of firearms.
- f. Shall not be assigned to hazardous duty positions.



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- g. Whose assignment qualifies for hazardous duty pay will receive hazardous duty pay for no more than 45 days after being placed in a restricted duty assignment.
- h. Will receive shift differential pay for no more than 45 days when the restricted duty assignment necessitates a change from a swing/graveyard shift to dayshift.
- i. Shall not display or present badge or gun on or off duty unless it is a deadly force situation which requires immediate action.
- j. Shall only carry their firearm or badge in a concealed fashion in accordance with the Department's plainclothes policy.
- k. The authorization for employees to carry a firearm while in a restricted duty status rests with the affected employee's bureau head.
- l. Shall immediately make arrangements with the APD Fleet manager to turn in their marked vehicle. Assignment of an unmarked vehicle will be determined by the affected employee's bureau head and dependent upon availability.
- m. Shall sign a "Restricted Duty Status" form.

C. Off-Duty Injury

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- 1. Sworn employees who are injured off duty will comply with the Scheduled and Unscheduled Leave SOP.
- 2. In addition, sworn personnel who are placed on a restricted duty status for an off-duty injury will be required to provide documentation from their medical provider indicating they are capable of returning to full-duty and will be required to obtain clearance for full-duty through employee health prior to returning to work.
- 3.
- 4. Sworn employees injured off-duty will be required to utilize accrued sick leave for any time in which they are unable to report to duty.

D. Precedence for Duty Assignments

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Restricted duty assignments for sworn employees injured on duty will take precedence over sworn employees injured off duty.

E. Field Services Bid for Personnel on Limited Duty Status

- 1. In order to participate in the Field Services patrol assignment bid, personnel who are on limited-duty status must be able to return to full-duty status on or before 30 calendar days after the bid takes effect.
- 2.
- 3. Concerned personnel in the Field Services patrol assignment bid, personnel who are on limited-duty status must be able to return to full-duty status on or before 30 calendar days after the bid takes effect.



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- a. If personnel were permitted to bid, but then were unable to return to full-duty status within the 45 calendar days after the bid takes effect, the employee will lose their right to the bidded position and be subject to assignment by their deputy chief upon return to full duty.
4. The Field Services Major shall have the discretion to place an officer who cannot or does not comply with subsections A and/or B above once he/she returns to full-duty status.
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