



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 2, 2024	CHAPTER: 1 – Administrative	PAGE: 1 of 4	NUMBER: 1.05.13
SUBJECT: TRANSITIONAL DUTY			
CHIEF: <i>Dornat A. Drummond, Chief</i>			

PURPOSE: To establish guidelines for members who are assigned temporary work assignments due to medical restrictions.

POLICY: **It is the policy of the Cleveland Division of Police** to give members of the Division an opportunity to work alternative temporary job duties while recovering from an injury or illness. Transitional Duty work gives the member an opportunity to remain a productive part of the work group and to maintain communication with co-workers and supervisors during the transition from disability to full recovery.

DEFINITIONS:

Transitional Duty - the temporary assignment of a member to alternative job duties, for a specified period of time, while the member is recovering from an injury or illness. In order to accommodate the member’s transitional duty, the work assignments may be different than those in the member’s normal job classification.

PROCEDURES:

- I. General Guidelines
 - A. The Division of Police may grant temporary assignment details to limited duty members who are temporarily unable to perform the full range of essential duties required by their current classification due to an illness or injury (work related or personal), as confirmed by the Occupational Health and Safety Unit (OHSU) Medical Director, dependent on staffing levels and the operational needs of the Division.
 - B. Placement in a temporary assignment shall be consistent with the Division’s needs and the member’s specific incapacitation, restrictions and abilities. A temporary assignment transfer will not be considered permanent.
 - C. Members who do not comply with OHSU and/or Division communication, reporting and/or documentation requirements shall be subject to the disciplinary process, up to and including termination. Non-compliance with any part of this procedure, or any other failure to cooperate with providing routine medical progress reports indicating a potential return to full, unrestricted, law enforcement duties may result in corrective action.

- II. Eligibility
 - A. To qualify for transitional duty work, a member shall:

PAGE: 2 of 4	SUBJECT: TRANSITIONAL DUTY	NUMBER: 1.05.13
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1. Have an initial assessment and comply with subsequent reporting to the OHSU Medical Director;
2. Be unable to perform the essential duties of their normal job classification; and
3. Be expected to perform the duties of their normal classification within 90 days from the date of commencement of transitional duty work.

III. Terms and Conditions

- A. The Chief of Police or designee shall have sole authority to grant transitional duty status. Upon a recommendation by the OHSU Medical Director for transitional duty and before an assignment has been made, the member requesting transitional duty shall complete the Terms of Transitional Duty Assignment Form (Attachment) and submit it to the Personnel Unit. This form will be provided by the Personnel Unit.
- B. Members shall not conduct any patrol/field law enforcement activities or engage in security or law enforcement secondary employment while on transitional duty.
- C. Members on transitional duty shall be prohibited from firearm re-qualification and not work overtime, other than subpoenaed court overtime.
- D. Members on transitional duty are required to surrender their City-issued duty firearm to a superior officer, who will oversee its conveyance to the Firearms Training Unit. The Firearms Training Unit will then be responsible for maintaining the duty firearm until the member returns to full duty status. Prior to returning the City-issued firearm, the Firearms Training Unit will verify the member's full duty status with the Chief's Office.
- E. All participants in the Transitional Duty return to work program will comply with all personnel policies, procedures and safe work practices. Members are required to follow all established injury policies and procedures.

IV. Assignment Preferences

- A. Transitional Duty work assignments are to be made to accommodate the member's medical restrictions prescribed by the member's physician of record. The tasks that a member can perform will be listed in writing by either a Medco14 (work related) or Medical Appraisal Workability Report (personal) and certified by the OHSU Medical Director.
- B. Preference in placement of Transitional Duty work assignments may be made in the following order based on the operational needs of the Division:
 1. Job duties within the member's normal job classification and within the District where the member works;
 2. Job duties outside the member's normal job classification and within the District where the member works;

PAGE: 3 of 4	SUBJECT: TRANSITIONAL DUTY	NUMBER: 1.05.13
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3. Job duties within the member's normal job classification and outside of the District where the member works;
4. Job duties outside of the member's normal job classification and outside of the District where the member works.

V. Length of Transitional Duty Work Program

- A. Transitional Duty work assignments shall be no longer than 90 days in duration. For good cause, a Transitional Duty work assignment can be extended.
- B. The City may require periodic examinations to determine the continued extent of incapacity and fitness for return to full duty.

VI. Fitness for Duty

A. Member's Inability to Return to Original Position

1. If it is medically determined that the member is unable to return to a former full duty position, a review of alternative options will be considered:
 - a. Disability Retirement
 - i. If the employee will never be able to return to normal duty, then application can be made for a disability retirement pension.
 - b. Civil Service 9.10.14 Examination
 - i. When it is medically documented that the member will not be able to return to a full duty status and has reached maximum medical improvement, the OHSU Medical Director may recommend a 9.10.14 Fitness for Duty evaluation, to be approved by both the Chief Director of Public Safety and Civil Service Commission.
 - c. Permanent Restrictions
 - i. If a medical provider determines that the member's restrictions are permanent, the member may choose to apply for an accommodation under the American's with Disabilities Act. An application form will be given to the member. Each application for accommodation must be reviewed by the appointing authority and then sent to the City's Accommodation Review Committee. The member is responsible for providing documentation from the physician of record stating that the restrictions are permanent in nature and that he/she has reached Maximum Medical Improvement (MMI).

PAGE: 4 of 4	SUBJECT: TRANSITIONAL DUTY	NUMBER: 1.05.13
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B. Due Process

1. When the City's Civil Service Commission approves a Civil Service Rule 9.10.14 Fitness for Duty evaluation or Functional Capacity Evaluation and determines that a member is no longer capable of fulfilling the essential duties of a police officer and will not be able to resume full patrol officer duties, a due process hearing will be conducted. This hearing, presided over by the Chief Director of Public Safety, provides the member with an opportunity to address the conclusions drawn by the medical professional to prevent termination of their City employment.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.