

Policy: 1619.9, Injuries, Illnesses, and Medical Conditions in Sworn Members

Effective Date: 5/27/2026

Distribution Group: All Employees

Review Responsibility: Patrol Services Bureau Commander

Accreditation Chapter(s): None

Chief of Police: Eric D. Smith

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I. PURPOSE

The purpose of this policy is to provide clear guidance to sworn members of the Orlando Police Department who are affected by injuries, illnesses, or medical conditions.

II. POLICY

Sworn members of the Orlando Police Department who are affected by injuries, illnesses, or medical conditions shall be treated equitably consistent with the needs of the Department, the Collective Bargaining Agreement, and the law. Nothing within this Policy shall supersede the Americans with Disabilities Act (ADA) or City of Orlando Policy 101.4, including but not limited to, the Department making reasonable accommodations for a member. Nonsworn employees (civilians) should refer to the appropriate City of Orlando policy and procedures.

III. DEFINITIONS

City's Occupational Healthcare Provider: AdventHealth Centra Care is the primary occupational healthcare provider for the City. For the purposes of this Policy, Centra Care or any physician that the member is referred to by Centra Care for the specific illness, injury, or medical condition shall be deemed the City's Occupational Healthcare Provider for that illness, injury, or medical condition.

Limited Duty: An assignment within the Department for sworn members who are not able to perform the full range of law enforcement duties due to injury, illness, or medical condition, but the appropriate physician determines the member is being capable of effectively performing certain types of work.

Line-of-Duty Injury or Illness: An injury or illness arising out of, or occurring when the member was acting within the course of employment as defined by section 440.091, Fla. Stat.

Non-Line-of-Duty Injury or Illness: An injury or illness not arising out of, or occurring when the member was acting within the course of employment as defined by section 440.091, Fla. Stat.

Note: If a member is in a no-duty Status from a line-of-duty injury and an Interim Disability Packet is going to be submitted, the member must use personal leave or sick leave while out on a line-of-duty no-duty status.

IV. PROCEDURES

1. INITIAL RESPONSE TO INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

1.1 LINE OF DUTY INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

When a member is injured, becomes ill, or develops a medical condition in the line-of-duty, how the injury or illness should be handled depends on the nature and severity of the issue.

1.1.1 LIFE THREATENING AND CRITICAL INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

When a member suffers from a life-threatening or critical injury, illness, or medical condition, they should immediately go to the closest hospital. When possible, the member shall be transported to the hospital by paramedics. If the nature of the injury, illness, or medical condition, or the totality of the situation (active law enforcement matter) do not permit paramedics to respond to the scene, the member may be transported by any other reasonable and prudent means.

1.1.2 NON-LIFE-THREATENING SERIOUS INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

When a member suffers from a non-life-threatening serious injury, illness, or medical condition, the member should go to the City's occupational healthcare provider as soon as possible. Depending on the nature and severity of the injury or illness, the member may be transported by paramedics or another officer.

1.1.3 MINOR INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

The member should determine if they want to see a physician. If so, the member should go to the City's occupational healthcare provider for treatment.

1.2 NON-LINE-OF-DUTY INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

When a member suffers from an injury or illness or develops a condition not in the line-of-duty (also called a “non-line-of-duty” or “off-duty” injury, illness, or condition) the member should go to their own private physician or emergency care provider.

Members must determine for themselves the most reasonable and prudent means of transportation to their provider.

2. REPORTING INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

2.1 LINE-OF-DUTY INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

All line-of-duty injuries, illnesses, and medical conditions must be reported to the City. The member, or the member’s immediate supervisor if the member is unable, must contact the City’s occupational healthcare provider and follow all procedures set forth in the “Line-of-Duty Checklist” (Attachment A).

2.2 NON-LINE-OF-DUTY INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

If a member is injured, becomes ill, or suffers from a medical condition that causes them to be absent for three (3) or more consecutive workdays, the member must obtain a work status from their private physician prior to returning to work, as set forth in the “Non-Life-of-Duty Checklist”, Attachment B. Members shall refer to City of Orlando Policy 808.25: Leave of Absence and are encouraged to contact Labor Relations for assistance processing leave.

3. WORK STATUS AFTER INJURIES, ILLNESSES, OR MEDICAL CONDITIONS

After any line-of-duty injury, illness, or medical condition requiring professional treatment or any non-line-of-duty injury, illness, or medical condition in which the member is absent for three (3) or more consecutive workdays, the member shall obtain a work assessment from the City’s occupational healthcare provider or their private healthcare provider, as detailed in Attachment A and Attachment B, respectively.

If the member is unable to provide a work assessment immediately after taking unscheduled Personal Leave for three (3) consecutive workdays, not including the day of the initial injury, illness, or medical condition, the member’s immediate supervisor shall notify the Patrol Service Bureau Aide and the employee shall automatically be placed in a no-duty status until the employee is able to provide a work assessment from the appropriate healthcare provider returning the member to either limited or full duty status.

Nothing in this policy shall prevent a member from using leave time as provided by the current Collective Bargaining Agreement or federal, state, or local law.

3.1 FULL DUTY STATUS

Members shall be on full duty status when they are capable of performing all of the functions of a sworn member of the same rank as provided in the job description.

3.1.1 LINE-OF-DUTY INJURIES, ILLNESSES, OR CONDITIONS

If the City's occupational healthcare provider returns the member to "full duty" status, then the member shall return directly to work if the member is still on shift. If the member's shift has ended, the member shall return to work for their next regularly scheduled shift.

3.1.2 NON-LINE-OF-DUTY INJURIES, ILLNESSES, OR CONDITIONS

If the member's private healthcare provider returns the member to "full duty" status, then the member shall return directly to work if the member is scheduled to be on shift. If the member's shift has ended, the member shall return to work for their next regularly scheduled shift.

3.2 TEMPORARY LIMITED DUTY STATUS

If the member is unable to perform all of the functions of a sworn member of the same rank as provided in the job description but is not fully limited from work by the appropriate healthcare provider, then the member may qualify for a temporary limited duty position.

3.2.1 APPLICATION FOR TEMPORARY LIMITED DUTY STATUS

After an injury, illness, or medical condition where the appropriate healthcare provider returns the member to temporary limited duty, the member must return to work in a limited duty position or apply for Family and Medical Leave (FMLA), as outlined in Policy and Procedure 1607.

The member must formally request limited duty by submitting a memo (Attachment C) to the Chief of Police, via email to the Patrol Services Bureau Aide and include ("cc") their chain of command through the member's Bureau Commander, with the appropriate healthcare provider's status report attached immediately after returning to work.

- The memo should include a brief description of the injury or illness, estimated length of limited duty, list of limitations and restrictions, any medication that might impair the member, the member's prognosis for recovery, and the projected date of Maximum Medical Improvement (MMI). The memo shall not include a request for a specific assignment.

The Bureau Commander, upon receipt of the memo and the appropriate healthcare provider status report, shall tentatively assign the member to Temporary Limited Duty. The memo and the appropriate healthcare provider's status report must be sent to the Chief of Police through the Patrol Service Bureau Aide and the member's Bureau Commander. The Chief of Police is the final authority and will approve a request for Temporary Limited Duty when the request meets all requirements of City policy and any federal, state, or local law.

Members must remain in an authorized leave status until the request is approved.

Temporary Limited Duty assignments will not be authorized for members who have reached MMI and are unable to return to full and unrestricted duty unless they have a pending application for a disability pension or long-term limited duty position. Otherwise, once MMI has been reached and the member cannot return to full duty, the member must retire, resign, or seek another position within the City within the time limits established in this policy.

A Temporary Limited Duty Assignment will be delivered to members assigned to this status through their City email account.

3.2.2 QUALIFICATION FOR TEMPORARY LIMITED DUTY STATUS

Members must be certified by the City's healthcare provider (line-of-duty) or their private healthcare provider (non-line-of-duty) to have some functional limitations that prohibits the member from returning to their full duties as a police officer; but that those limitations do not prevent the member from performing the job functions of an available temporary limited duty position, with or without a reasonable accommodation.

If there is any question about a member's ability to perform the job functions of a limited duty assignment, the member shall bring the pertinent job description to the City's occupational healthcare provider.

If the City's occupational healthcare provider determines the member is unable to perform the limited duty assignment, then the member will be given a different limited duty assignment or, if no appropriate position is available, placed in a no-duty status.

3.3 NO DUTY STATUS

If a member is unable to meet the requirements for full duty or temporary limited duty and is placed on a no-duty status by either the City's occupational health provider or a private physician, then the member shall immediately, or as soon as circumstances allow, notify the Patrol Services Bureau Aide, via email.

- If the member is unable to provide a work assessment immediately after taking unscheduled Personal Leave for three (3) consecutive workdays, not including the day of the initial injury, illness, or medical condition, the member's immediate supervisor shall notify the Patrol Service Bureau Aide and the employee shall automatically be placed in a no-duty status until the employee is able to provide a work assessment from the appropriate healthcare provider returning the member to either limited or full duty status.

The member shall immediately, or as soon as circumstances allow, submit a memo, with the physician's status report attached, to the Chief of Police, via the Patrol Service Bureau Aide and the member's Bureau Commander. The memo must include a description of the injury, the estimated length of no-duty status, and the projected date of return to a limited duty status or to full duty.

The Patrol Service Bureau Aide shall contact the member once they have been in a Temporary Limited Duty position for six (6) months and again once after nine (9) months to remind the member that they are subject to termination if they are unable to return to full duty status or have not applied for Long-Term Limited Duty or for a Disability Pension within twelve months from the date of their change in status. Members are however responsible to ensuring that they return to full duty or apply for a pension within the time frames established by policy and the collective bargaining agreement. Failure by the Aide to provide the notification described in this paragraph does not create an exemption from prescribed time limits.

3.4 AUTHORIZED LEAVE STATUS AND PAY

Members who are not authorized to work in a Temporary Alternative Duty assignment and who are unable to perform normal duties shall be required to continuously remain in an authorized leave status (i.e., sick leave, personal leave, indemnity benefits under workers' compensation, family leave).

In addition, eligible members of the Sick Leave Bank who have suffered a non-duty-related injury, illness, or medical condition may remain in an authorized leave status if all the requirements are met for eligibility in the Sick Leave Bank and withdrawal of sick time from the Sick Leave Bank is granted by the Committee. Members who are eligible for Sick Leave Bank may request additional time in accordance with the current issue of P&P 1622, Sick Leave Bank.

Members who are eligible for reimbursement of sick or personal leave through the Interim Disability Committee (IDC) or any other City program should request such reimbursement in accordance with the current Interim Disability Committee policy to ensure that their sick/personal leave is not exhausted. Please see Policy and Procedure 1610 for IDC submission guidance.

Members who fail to remain in an authorized leave status shall be subject to established policy and procedures.

Notwithstanding any other policy or procedure, any law enforcement officer as defined in section 943.10(1), (2), or (3), Fla. Stat., who, while acting within the course of employment as provided by section 440.091, Fla. Stat. is maliciously or intentionally injured and who thereby sustains a job-connected disability compensable under chapter 440, Fla. Stat., shall be carried in full-pay status rather than being required to use sick, annual, or other leave. Full-pay status shall be granted only after submission to the employing agency's head of a medical report which gives a current diagnosis of the employee's recovery and ability to return to work. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary requirements.

4. ADMINISTRATION OF TEMPORARY RESTRICTED DUTY ASSIGNMENTS

4.1 TEMPORARY LIMITED DUTY ASSIGNMENTS

The Chief of Police and bureau commanders will determine the nature and type of any temporary limited duty assignments based upon Departmental needs and the nature and circumstances of the member's injury, illness, or medical condition. Temporary limited duty assignments may include but are not limited to, Crime Center Detective, Special Crimes Section Detective, Office Assistant, or other nonhazardous police duties.

Members may continue their primary assignment if the efficiency of the unit will not be affected. (Example - A member normally assigned to administrative duties could continue that assignment after knee surgery.)

Members assigned to temporary limited duty will be responsible for forwarding all City occupational healthcare provider status report updates through the Patrol Services Bureau Aide to their Bureau Commander. The Patrol Service Bureau Aid will maintain a file of all limited duty assignments. Bureau commanders will be responsible for monitoring employees from their bureaus who are on limited duty, regardless of the employee's limited duty assignment.

4.2 TIME AND PAY PROCEDURE

For a member who is in an authorized temporary limited duty status, supervisors shall ensure that the informational pay code "Info Limited Duty" is added, with comments, on his/her electronic timesheet (Kronos) for each date of the limited duty.

4.3 OCCUPATIONAL HEALTH EXAMINATION AND REPORTING REQUIREMENTS

Members who are on temporary limited duty resulting from a line-of-duty injury or illness shall report to the City's occupational healthcare provider (or the provider that they referred the member to) every thirty (30) days for evaluation.

Members who are on temporary limited duty resulting from a non-line-of-duty injury shall be evaluated every thirty (30) days by their private physician and shall complete the Request for Limited Duty memo.

Every time a member receives an update on the injury for either a line-of-duty or non-line-of-duty injury, within one business day they must submit a memorandum, including the physician's evaluation report to the Patrol Service Bureau Aide, who will forward it to the member's Bureau Commander. Failure to provide an evaluation report every thirty (30) days shall subject the member to discipline and may result in revocation of the temporary limited duty assignment.

4.4 MARKED AND UNMARKED VEHICLES AND RELATED EQUIPMENT

Members in any limited duty status shall not be permitted to operate a marked vehicle. If the limited duty is for a period lasting more than 30 days in duration, the marked vehicle must be turned in to the member's immediate supervisor for retention or reassignment. The assigned rifle and any other vehicle specific equipment must be turned in to the Quartermaster Unit for retention or reassignment. The member shall retain their MCT and other necessary equipment assigned to the member.

For limited duty periods lasting less than 30 days in duration, the marked vehicle shall be parked at the member's assigned OPD facility until such time as the limited duty is lifted. The rifle and other vehicle specific equipment shall be secured by the member, who is responsible for the safekeeping of the equipment. Any member who was assigned an unmarked vehicle may, subject to the Policy 1802, Use of City Vehicles, continue to use such vehicle IF the appropriate physician has not limited the member's ability to drive or otherwise operate heavy machinery.

5. DURATION OF TEMPORARY LIMITED DUTY AND NO-DUTY STATUS

Temporary Limited Duty and No-Duty status are provided for members who are recuperating from an injury or illness prior to reaching MMI. They are for a limited duration, and are available to members for a period of time not to exceed twelve (12) months from the date of the onset of the injury or illness.

Any member in any combination of the below-listed categories for one (1) continuous year or 12 cumulative months out of any 18-month period will be required to return to full duty:

- a. Temporary Limited Duty
- b. Sick leave or personal leave used as a result of an injury, illness, or medical condition.
- c. Leave of absence due to an injury, illness, or medical condition.

- d. Family leave due to an injury, illness, or medical condition of the employee.

Requests for exceptions to this time period may be submitted to the Chief of Police in accordance with the Collective Bargaining Agreement.

Those members unable to return to full and unrestricted duty at the expiration of their time period will be terminated from employment, unless they qualify for Long-Term Limited Duty, as outlined below. Such an employment termination will have no bearing upon decisions concerning the member's eligibility for a pension that has been properly applied for prior to the date of termination. Members are cautioned to file any pension requests prior to termination. In the event employment is terminated, the member may be eligible for reinstatement during the next twenty-four (24) months in accordance with Civil Service procedure and City policy, provided the member is able to return in an unrestricted or Long-Term Limited Duty status. The Patrol Service Bureau Aide shall contact the member once they have been outside of a full duty status for six (6) months and again once after nine (9) months to remind the member that they are subject to termination if they are unable to return to full duty status or have not applied for Long-Term Limited Duty or for a Disability Pension within twelve (12) months from the date of their change in status. Members are however responsible to ensuring that they return to full duty or apply for a pension within the time frames established by policy and the collective bargaining agreement. Failure by the Aide to provide the notification described in this paragraph does not create an exemption from prescribed time limits.

Members who have reached MMI and continue to be unable to return to full duty due to their injury or illness OR who have not reached MMI within eleven (11) months from the date of their injury shall contact Risk Management at 407.246.2255.

6. LONG-TERM RESTRICTED DUTY

Sworn members of the Orlando Police Department who were injured in the line-of-duty and are able to perform the essential duties of certain law enforcement roles may qualify for a Long-Term Limited Duty position. The primary priority for a Long-Term Limited Duty assignment shall be based on current needs of the department.

6.1 APPLICATION FOR LONG-TERM LIMITED DUTY

Long-Term Limited Duty assignments will not be authorized for members until they reach MMI and are unable to return to full and unrestricted duty or members who have not reached MMI within 12 months from the date of their injury. Once a member has reached MMI or, after 12 months from the date of their injury have not reached MMI and cannot return to full and unrestricted duty, the member must retire, resign, or apply for a pension.

Members applying for a disability pension shall automatically be considered for a long-term limited duty assignment.

If the member is applying for a disability pension, the member shall, within 10 days, schedule the first available appointment with the City's occupational healthcare provider to complete a form listing the member's functional limitations and restrictions in accordance with Attachment A or B, respectively.

6.2 POSITIONS ELIGIBLE FOR LONG-TERM LIMITED DUTY

Positions eligible for Long-Term Limited Duty include, but are not limited to:

1. Crime Center and Forensic Division Detective

2. Criminal Investigations Division Detective
3. Vehicle-for Hire Officer

6.3 MANAGEMENT OF LONG-TERM LIMITED DUTY POSITIONS

Members in a Long-Term Limited Duty position shall be managed by the Training Division Commander.

6.4 MAXIMUM DEPARTMENTAL LONG-TERM LIMITED DUTY POSITIONS

The total number of Long-Term Limited Duty positions shall not exceed 1% of the total authorized sworn police positions, to include supervisory positions. The number of positions is not guaranteed, and the number of positions may be reduced, or all long-term limited duty positions may be eliminated in the sole discretion of the Chief of Police in the best interest of the Department.

6.5 “BUMPING” FROM LONGER-TERM LIMITED DUTY POSITIONS

To ensure the maximum availability of Limited Duty Assignments for qualifying members, Long-Term Temporary Duty positions are subject to a “bumping” process. “Bumping” occurs when the number of qualifying members exceeds the number of available Long-Term Limited Duty positions.

When all Long-Term Limited Duty positions are filled, and another member becomes eligible, the member with the highest number of years of service shall no longer be entitled to the position. The member with the highest number of years of service must retire, resign, or apply for a pension.

In the event that there is more than one member in a Long-Term Limited Duty position who is eligible to be “bumped” but only one position needed, the decision on who to “bump” shall be made solely upon Departmental needs by the Chief of Police, or designee.

The member to be “bumped” from the Long-Term Limited Duty position shall have 30 days from the date they are noticed to decide how they wish to proceed. If that individual chooses to seek a disability pension, all rights and procedures under Florida law and City of Orlando policy shall be followed.

If a Long-Term Limited Duty position is eliminated, the member performing these duties will be notified by the Chief of Police, or designee, at least 30 days in advance. The member will be afforded another Long-Term Limited Duty position. If there are no such available positions, the bumping procedure shall be followed.

If a member believes they are no longer able to perform the functions of their Long-Term Limited Duty position based upon their medical condition and supporting documentation, that member will notify the Chief of Police via the Patrol Services Bureau Aide and the member’s Bureau Commander. The member shall then report to the City’s occupational healthcare provider (if the underlying injury, illness, or medical condition occurred in the line-of-duty) or the member’s private healthcare provider (if the underlying injury, illness, or medical condition did not occur in the line-of-duty) for evaluation.

6.6 REFUSAL TO ACCEPT A LONG-TERM LIMITED DUTY POSITION

A member who does not accept a Limited Duty assignment will be subject to separation from the Department in accordance with Civil Service Rules and Regulations and OPD policy.

6.7 NOTICE TO DISABILITY PENSION APPLICANTS

A Long-Term Limited Duty assignment with no reduction in pay or benefits will be offered to qualifying sworn members who file an application for a disability pension. Subsequent retirement will not change the availability of a limited duty position for pension purposes.

7. CONDITIONS WHILE ON TEMPORARY OR LONG-TERM LIMITED DUTY

Members are in limited duty positions because they do not medically meet the requirements to work in a full-duty capacity. Therefore, members in those positions may not present themselves to the public in a manner where they would be expected to exercise arrest powers or respond to emergencies, such as wearing a police uniform or driving a marked patrol car. Exceptions may be made for members in a limited duty position to wear a police uniform to a ceremonial event with the permission of their Bureau Commander.

To the extent that it is consistent with all other Departmental and City Policies and Procedures and does not exceed the limitations or conditions placed on the member by the appropriate healthcare provider:

- Members may work extra-duty jobs that do not entail the wearing of the police uniform or the potential to respond to emergency situations.
- Members may work outside employment not related to law enforcement, as long as the employment does not interfere with the condition(s) resulting from their limited duty status. Employees must have a Request for Authorization for Outside Employment on file in City Personnel.
- Members may operate an unmarked vehicle if approved to do so by the appropriate healthcare provider. Nothing in this Policy shall guarantee an officer a City vehicle. City vehicles shall be assigned based upon Departmental needs.
- Members are allowed to participate in in-service training or attend special schools.
- Members may participate in the promotional process, including but not limited to taking promotional exams.

8. CONDITIONS WHILE ON NO-DUTY STATUS

Conditions while on no-duty status are as follows:

- Members are prohibited from working extra-duty jobs while on a no-duty status.
- Members shall not present themselves as an officer to the general public (i.e., wearing their badge and firearm in open view).
- Members may work jobs not related to law enforcement, as long as the employment does not interfere with the condition(s) resulting from the no-duty status. All employees shall comply with the City's Ethics Manual and City Policy 800.5. Employees must have a Request for Authorization for Outside Employment on file in City Personnel.
- Members will not utilize arrest powers or engage in police related activity of any kind.
- Members placed on no-duty status are prohibited from operating a marked vehicle.
- Members are prohibited from taking a Department issued firearm out of state.
- Members may be allowed to participate in in-service training or attend special schools upon approval of the Bureau Commander.

- If a promotional examination in which the member would normally be eligible to participate is given while the member is on no-duty status, the member will be allowed to participate in the promotional process if they are medically able.

9. DISSEMINATION OF MEDICAL INFORMATION

Medical information will not be disseminated beyond what is strictly necessary to comply with City policy or applicable law.

V.FORMS AND APPENDICES

ATTACHMENT A-On-Duty Injuries Checklist

ATTACHMENT B-Off-Duty Injuries Checklist

ATTACHMENT C-Limited Duty Assignment Notice

VI.REFERENCES

This policy rescinds Policy and Procedure 1619.8

Related Policies: City Policy 808.25, Policy and Procedure 1802

Related Laws: Not Applicable