LIGHT DUTY POLICY

1. The Fire Department's personnel are its greatest asset, its most valuable resource. It is they who carry out our critical missions of prevention, extinguishment, pre-hospital emergency medical care and investigation. This Light Duty Policy is promulgated in order to better manage, direct and assist those members who, due to injury or illness, are unable to perform their full duty functions of firefighting or fire investigation, but are able to perform other tasks. First and foremost, light duty service provides an opportunity for personnel to work productively at off-line positions, while allowing, if possible, for a safe and expeditious return to full-duty status. Light duty personnel can thus continue to contribute, either directly or in support roles, to the protection of life and property in New York City.

1.1 Members incapable of firefighting or fire investigation duties, but capable of performing other tasks are assigned to a status commonly referred to as light duty. For tracking and work assignment purposes, light duty shall be divided into three categories:

1.1.1 Short-Term Light Duty is a duty status determination indicating a member is incapable of firefighting or fire investigation duties, but is capable of performing other tasks. Members will be classified in such status for any light duty duration that does not exceed 180 days, unless declared permanently unfit for full duty by the Bureau of Health Services (BHS) Physician Board.

1.1.2 Limited Duty is a duty status determination indicating a member is incapable of firefighting or fire investigation duties, but is capable of performing other tasks. Members will be classified in such status for any light duty duration greater than 180 days, unless declared permanently unfit for full duty by the BHS Physician Board.

1.1.3 Modified Duty is a duty status determination indicating a member has been declared permanently unfit for full duty by the BHS Physician Board, but is capable of performing other tasks.

1.2 These three classifications of light duty are integral to assignments of the Fire Department work force.

1.3 For purposes of this directive, the term "light duty" shall be used to refer to any of the three categories, except where specified.

1.4 Short Term Light Duty and Limited Duty can be related to a temporary disability, which indicates the member is expected to return to full duty status at some future date. In the event that a member is classified by a duty determination as permanently unfit for full duty, the Department may, at its discretion, assign a member to a Modified Duty assignment. All Modified Duty assignments are temporary.

2. ASSIGNMENTS

2.1 To maintain the effective staffing of firefighting units, it is imperative that the number of full duty firefighters assigned or detailed to Administrative Units be kept to a minimum. It is also necessary that these assignments, to the extent feasible, be given to the class of members covered by light duty to enhance the efficient operation of all Departmental activities.

2.2 Where possible, assignments will be made by determining the needs of each Bureau, Division and Unit, and matching these needs with the skills and abilities of the light duty member, as well as the expected duration of the light duty status. The Bureau of Personnel's Light Duty Desk (LDD) will coordinate and control these activities.

2.3 Members with a duty determination of light duty shall report to the LDD in Personnel at 0900 hours on effective date of light duty.

2.4 BHS will provide the LDD with a checklist of restrictions for members' assigned light duty. Light duty details will be determined, in part, by restrictions that may limit the member's ability to perform specific functions.

2.5 At the LDD, members' assigned light duty will be required to update their CD-6, which will aid in efficient placement of each light duty member.

2.6 Member assigned light duty from medical leave after date such member was scheduled to begin vacation leave, shall be promptly granted vacation leave by the LDD, as originally scheduled by assigned unit. Member will also be given a light duty detail at this time. The LDD will notify the member's assigned unit to record the member's annual leave in CityTime.

2.7 On completion of vacation leaves granted as per 2.6 above, members on light duty shall report to their light duty detail as scheduled. Members will report to BHS as per return date issued by Medical Officer.

2.8 Upon selection of a unit for the light duty detail, the LDD will notify the light duty member and his/her assigned unit (via fax) of the new light duty detail, and report time/date. The light duty member will be provided the name and phone number of the light duty liaison for reporting purposes. The LDD will also notify the unit where member will be detailed on light duty of member's detail, medical authorizations and work restrictions, if any.

2.9 If the member is unable to appear at the light duty assignment as scheduled, the member must notify the light duty assignment and the LDD no later than the scheduled reporting time, as well as make any other notifications required by Department policy.

2.10 Members assigned light duty, as a result of a Line of Duty (LOD) injury or illness, are not required to take assigned vacation while on light duty. However, the vacation due shall not be granted beyond the succeeding year, whether on full or light duty. Rescheduling of any such vacation shall be subject to the exigencies of the Department. When such members return to full duty and have not received the balance of vacation due, the following shall apply:

2.10.1 For members below the rank of Lieutenant, the Company Commander shall confer with the Battalion Commander and place the member on vacation as soon as practicable.

2.10.2 For Company Officers, the Division Commander shall assign vacation dates.

2.10.3 For Battalion and Deputy Chiefs, the Division Commander shall forward a report recommending vacation dates to the Chief of Operations.

2.11 All members placed on light duty/limited duty or returned to full duty receive a duty determination form (MD-211). Copies are also forwarded to the member's assigned unit and to the LDD. The MD-211 is the official verification of duty status.

2.12 All members below the rank of Battalion Chief, who are returning to full duty after having been assigned to medical leave and/or light duty for a continuous period of 6 or more months, shall report to the BHS clinic officer to be scheduled for a retraining course at the Bureau of Training prior to return to firefighting duties.

3. GENERAL GUIDELINES FOR ALL LIGHT DUTY ASSIGNMENTS

3.1 Standard Light Duty work schedule is five eight-hour tours per week. Variations from the standard light duty schedule will be permitted for personnel in some light duty positions where they will better meet the needs of the Department. Bureau Heads may forward written requests for such variations to the Chief of Department for consideration.

3.1.1 Holiday Work Schedules

A. Light Duty Deputy Chiefs, Battalion Chiefs, Captains, Lieutenants, and Supervising Fire Marshals shall be governed by PA/ID 2-2006.

B. Light Duty Firefighters, Fire Marshals, Pilots, Marine Engineers and Wipers shall be governed by PA/ID 3-2009.

3.2 The hiring of Light Duty members for OT without the written approval of the Chief of Department is as follows: Light Duty members are permitted to work OT, but shall not exceed the 52-week average PCOT or MSOT hours worked in the members' assigned Division (Officers) or Battalion (Firefighters) as per the most current printout on MIRS. Members not assigned to Divisions or Battalions shall use the citywide average for their rank.

Examples:

- A Light Duty Captain or Lieutenant, regularly assigned to a D-14 unit, is permitted to work no more OT than the number of hours listed under the "Division Average" column on the most recent 52-week overtime printout.

- A Light Duty Firefighter regularly assigned to a B-15 unit is permitted to work no more OT (other than RSOT) than the number of hours listed under the "Battalion Average" column on the most recent 52-week overtime printout.

  Note: Roster Staffing Overtime (RSOT) for Light Duty Firefighters shall be administered as per PA/ID 1-90.

Additionally, if a member begins Light Duty and is already over the average, that member is not permitted to work OT until his/her hours worked drops below the 52-week average of the Division (Officers) or Battalion (Firefighters).

3.3 On days when BHS authorized physical therapy, or other BHS authorized medical appointments for treatment of LOD injuries and/or illnesses are scheduled, members must work a half-day (e.g., 0800-1200 hours or 1200-1600 hours). Members will be permitted a maximum of three BHS authorized physical therapy visits per week.

Two copies of BHS authorizations will be issued to members. One copy is for the physical therapy provider and the other one shall be delivered by the member to their light duty work unit.

The MD-211 will be forwarded to the light duty work unit by the LDD. The MD-211 and physical therapy authorizations will be kept on file there. Copies will also be forwarded to member's assigned unit.

Members will not be excused without a written BHS authorization. Members excused from light duty work assignment for BHS authorized appointments shall submit documentation of attendance from provider on return to light duty work assignment.

Members shall not be released for further physical therapy unless documentation of attendance is received. This documentation shall be retained at the light duty work assignment. When member is reassigned or returned to full duty, the documentation shall than be forwarded to that unit.

Note: BHS authorizations are time and/or visit limited. Personnel whose light duty status extends beyond initial authorization will not be excused after expiration of authorization unless additional time/visits are authorized, in writing, by a BHS Medical Officer.

3.4 Boroughs, Divisions, Battalions, and all other field and administrative units assigned light duty personnel, shall post the work schedule (Light Duty Roster/Schedule form attached as Appendix 1) of all light duty personnel in the office. Such schedules shall be maintained current, inclusive of vacation, medical leave, regular days off, other leaves granted, therapy and other medical excusals, etc.

3.5 Officer on duty/civilian supervisor at light duty work location must contact the LDD if the member fails to appear as scheduled at light duty assignment. A weekly report will be delivered each Monday via e-mail to all units indicating light duty personnel assigned. Units must review the report and provide the LDD with any changes. A report acknowledgement must be returned by Tuesday, 1600 hours, via e-mail, to the LDD indicating changes. An e-mail response is also required where the report detail requires no changes.

3.6 Light duty work locations shall maintain a journal to track timekeeping for all light duty members. Members shall sign in/out of journal in their own hand. Recordkeeping for all work hours must be maintained and will be subject to periodic audit. Office manager, or other designated supervisor, shall review journal entries daily for compliance and initiate corrective action when/where need is indicated.

3.7 Light duty work locations shall be guided by the Timekeeping Manual, CityTime Manual and directives with respect to timekeeping requirements. CityTime entries shall reflect hours actually worked by light duty members.

3.8 Officers and/or supervisors utilizing light duty members are responsible for recording light duty members' CityTime entries. For the remainder of the week in which light duty detail commences, required entries shall be reported to an officer of member's assigned unit. At the start of the next reporting week, officer(s) of light duty unit assume responsibility for entries of light duty personnel. The CityTime entries for a member on light duty shall account for all scheduled work hours.

Members returning to full duty from light duty: For the remainder of the week in which full duty commences, required CityTime entries shall be reported to an Officer and/or supervisor of member's previous light duty assignment. At the start of the next reporting week, officer(s) of full duty unit assume responsibility for CityTime entries.

3.9 Light duty members who report sick from home shall comply with Department Regulations. Light duty members who report sick while at work shall be ordered to BHS unless there is a need for immediate medical attention.

3.10 Annual evaluations of Light Duty personnel shall be performed as per applicable Department Policy i.e.:

AUC 240 for Chief and Company Officers

PA/ID 6/78 for Firefighters

PA/ID 1/79 for Pilots, Marine Engineers and Wipers

Evaluations of personnel on light duty more than 180 days shall be done by officer/supervisor at light duty work location; a copy of such evaluation shall be forwarded to the LDD. Evaluations indicating less than satisfactory performance will be referred to the Chief of Uniformed Personnel for review.

3.10.1 Poor job performance may be addressed by training, counseling, reassignment and/or supervisory conference as appropriate.

3.10.2 In cases of reassignment, opportunity for closer supervision and/or objectively measurable performance standards will be considered.

3.11 Requests to move light duty personnel from one unit to another must be submitted, in writing, to the Chief of Uniformed Personnel. Such requests must be endorsed by the commanding officer at the current light duty detail.

4. SHORT TERM LIGHT DUTY

4.1 The five-day workweek may be determined by the effective work date of the light duty assignment, and may continue for the duration of the short term light duty assignment.

4.2 If BHS determines that light duty status will continue beyond 180 days, the affected member will be directed to report to the LDD for possible reassignment.

4.3 Members in short term light duty are generally expected to fill positions which do not have a significant training component and include, but are not limited to, messenger duties, clerical functions, phone operations, maintenance work, watchperson tasks, tag summons issuance, hydrant inspections and building inspections.

5. LIMITED DUTY

5.1 For members either expected to be on light duty for greater than 180 days or for short term light duty members who reach 180 days and will be continuing in unfit for full duty status, the LDD will direct members with respect to initial or new light duty details.

5.2 In accordance with existing practices, standard work schedule will continue to be five eight-hour tours per week, generally limited to week days to make most efficient use of personnel, with variations permitted as described in 3.1.

5.3 Members in limited duty positions are generally expected to fill more challenging job assignments that may require some training.

6. MODIFIED DUTY

6.1 If at any point in the member's light duty tenure BHS declares the member permanently unfit for full duty, the member will be directed to report to the LDD for consideration for modified duty assignments.

6.2 Mayoral Directive 78-14 was promulgated to address modified duty assignments. The following is the Directive policy statement:

6.2.1 A modified duty assignment is a temporary assignment to duties that a disabled employee is capable of performing. Such assignment is made when an employee is unable to perform the full duties of his or her position. Such assignment may not match the duties the member was initially hired to perform.

6.2.2 Modified duty assignments are considered temporary assignments and therefore should not exceed one year's duration except under the most unusual circumstances. They should be used as a transition between the time when an employee is partially disabled and the time an employee either returns to full duty or leaves City service if the disability will not permit a return to full duty.

6.3 When a determination is made by the BHS Physician Board that a member is permanently unfit for duty, a Fire Commissioner's application will be filed and a letter will be forwarded to the member and the member's unit, from the Bureau of Personnel, indicating that the retirement process will commence.

6.4 While all members permanently disabled are eligible for involuntary retirement processing via Fire Commissioner's application, the Department will judge extensions beyond the one (1) year limitation (modified duty status) based upon a member's performance, and in accordance with Mayoral Directive 78-14. No light duty member is guaranteed a position in disability status since the member is incapable of performing the task for which he/she was initially hired.

6.5 Civil Service Law (Sections 71 and 73) permits the Department to place a member on an involuntary leave of absence without pay for any member who has not been able to perform the functions of his or her civil service job title for a cumulative period of one year (71) or more than one year continuously (73).

7. CONTROLS

7.1 Individual members assigned to light duty will be held accountable for compliance with applicable rules and regulations and this PA/ID, as will supervisory personnel. All employees are reminded of their responsibilities in areas of work schedules, timekeeping and personnel accountability.

7.2 The Office of Compliance, Audit and Review will routinely conduct "no notice" audits of both field and administrative units that employ light duty personnel. There will be two types of internal audits: Light Duty Administrative Unit Audits and Light Duty Member Audits (audit forms are attached as Appendices 2 and 3, respectively). Authorized off-premises treatments, such as physical therapy are also subject to verification.

7.3 Uniformed and civilian employees and supervisors will cooperate fully with auditors, answer questions, provide requested documents, and present light duty personnel when requested. Auditors will be accompanied by a ranking fire officer when visiting Fire Operations' field units.

7.4 Auditors will evaluate criteria as per audit forms and note unusual situations and circumstances of non-compliance with Department policy in comments section. Exhibits and/or additional comments may be attached and attachments noted in comments section of form.

Note: Matters demanding immediate attention, e.g., apparent AWOL, will be referred via phone to appropriate Bureau Head. Ranking officer present will address such matters in cases of Fire Operations' field units.

7.5 Results of all audits will be provided to the following within two days of the audit;

Fire Commissioner, First Deputy Commissioner, Chief of Department, Chief of Personnel and Concerned Bureau Head.

7.6 First Deputy Commissioner will review audit forms checked as requiring follow-up, evaluate and refer as necessary.

7.7 Absence Control Unit shall audit CityTime entries of light duty personnel for compliance with the Timekeeping Manual and other applicable directives.

8. BUREAU OF HEALTH SERVICES LIGHT DUTY PROTOCOL

8.1 Medical Officer shall make note on MD-206 of authorizations given and work restrictions when assigning a member to light duty.

8.2 After duty determination by Medical Officer, all members shall report to clinic sign-out desk. Members placed on light duty will be escorted to Clinic Officer's office. Clinic Officer on duty will enter member's name, work restrictions, need for annual medical examination etc., on BHS Light Duty Form (attached as Appendix 4) and review same with member. Member will sign form to acknowledge receipt of entered information. Officer will instruct member to report to the LDD at 0900 hours on light duty effective date.

8.3 Member then reports to nurses' station for processing of authorizations and appointments.

8.4 Daily, at close of clinic, the Clinic Officer shall review the BHS Light Duty Sheet, attach copies of all authorizations issued, and forward to the LDD. For members placed on light duty on weekends or holidays, documentation will be forwarded to the LDD on the next business day.

BY ORDER OF THE FIRE COMMISSIONER AND CHIEF OF DEPARTMENT