

# CALIFORNIA HIGHWAY PATROL

## GENERAL ORDER 10.5

REVISED SEPTEMBER 1985

### CRITICAL DUTY CAPABILITY REQUIRED OF ALL UNIFORMED MEMBERS

1. POLICY. As mandated by California Vehicle Code Section 2268(a), it is the policy of this Department that all uniformed members of the California Highway Patrol shall be physically and emotionally capable of performing the complete range of official duties administered by the Commissioner pursuant to Section 2400 of the Vehicle Code. Every member shall be capable of all critical duties that may be reasonably expected for the preservation of the life and property of the public of the State of California. Uniformed members of this Department shall not be assigned to any permanent limited duty assignment.
  
2. CAPABILITY CRITERIA. The criteria for judging the ability of members of all ranks to perform the critical duties as defined by the Commissioner are (1) the appropriate job specifications adopted by the State Personnel Board for the member's rank and (2) the State Traffic Officer Task Statement. Determination of a particular member's ability to perform the critical duties will be made pursuant to the provisions of Government Code Section 19253.5 or through consideration of all pertinent medical information made available to the Department by doctors or other agencies.
  
3. LIMITED DUTY ASSIGNMENT. (Modified Duty) A limited duty assignment is one in which a member is placed because of either (1) a permanent or temporary disability or alleged disability which prevents the employee from performing those law enforcement duties required by the Commissioner, or (2) when the member is under investigation for adverse action and the employee is prohibited by direct order from performing law enforcement duties.
  
4. GUIDELINES FOR LIMITED DUTY.
  - a. Limited duty assignments for uniformed members shall be restricted to those employees who are incapable of, or prohibited from, active law enforcement duties. Assignments shall be made at the discretion of the Department's Commanders subject to the limitations of departmental policy as listed below. Limited duty assignments shall be used only for:

(1) Allowing members time to recover from the temporary effects of illnesses, injuries, pregnancy, or post-traumatic incident stress.

(2) Preventing economic hardship to a member when the member has exhausted all payroll credits while awaiting a disability retirement decision.

(3) Removing a member temporarily from full duty while medical questions of capability to perform full duty are resolved.

(4) Removing a member temporarily from full duty at the direction of the Office of the Commissioner pending completion of an investigation of alleged misconduct by the member.

b. Limited duty assignments shall not exceed six months except as follows. The permissible exceptions to this policy are (1) when a member has applied for disability retirement and the limited duty has been approved to prevent economic hardship as stated above; (2) when an investigation for adverse action requires more than six months; (3) the assignment is for an unusually urgent and compelling need of human charity or departmental need. Such extensions of limited duty shall be approved by the Commissioner or appropriate Assistant Commissioner or stated in HPM 10.3, Chapter 20.

5. OTHER DUTY ASSIGNMENTS. All uniformed members of this Department on active duty who are not assigned to limited duty shall be capable of performing the critical duties required under Vehicle Code Section 2268(a) on momentary notice notwithstanding the routine daily duties of their current assignment.

OFFICE OF THE COMMISSIONER

OPI: 039

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