

**CHAPTER 8**  
**LIMITED DUTY/RETURN-TO-WORK**  
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**TABLE OF CONTENTS**

<u>PHILOSOPHY</u> .....	8-3
<u>POLICY</u> .....	8-3
Commander’s Involvement .....	8-3
Assignment .....	8-3
Reasonable Accommodations .....	8-4
Secondary-Employment Requests .....	8-5
<u>PROCEDURES</u> .....	8-5
Documentation .....	8-5
Prescribed Medication .....	8-5
<u>RESPONSIBILITIES</u> .....	8-5
Commander.....	8-5
Supervisor .....	8-6
Employee.....	8-6
<u>DURATION OF ASSIGNMENTS</u> .....	8-6
Duration .....	8-6
Commissioner’s Authorization .....	8-7
Specified Termination Date .....	8-7
Medical Examinations.....	8-7
Limited Duty Pending Retirement .....	8-7
<u>REFUSAL OF LIMITED DUTY BY EMPLOYEE</u> .....	8-8
Employee Refusal.....	8-8
<u>RETURN TO FULL DUTY</u> .....	8-8
Responsibility of Commanders and Supervisors .....	8-8
Effective Date of Return to Full Duty.....	8-8
Notification.....	8-9
Medication .....	8-9
Retraining Requirements for Uniformed Employees.....	8-9
Denial of Disability Retirement Request .....	8-9

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## CHAPTER 8

### LIMITED DUTY/RETURN-TO-WORK

1. PHILOSOPHY. In the interest of employee health and well-being, the Department is committed to assisting disabled employees in returning to work as soon as medically appropriate. Assignment of limited duty reduces the human and fiscal impact injuries and illnesses have on employees and the Department. Therefore, it is imperative that reasonable efforts are made to accommodate individual employee needs, when assigning limited duty, to transition them back to their regular work duties.

2. POLICY. Commanders shall ensure that employees temporarily disabled from performing the essential functions of their job are returned to work in a limited duty capacity, as soon as medically appropriate, if the limited duty does not create an undue hardship on the Department.

a. Commander's Involvement. Commanders shall be personally and actively involved in the assignment of limited duty. Commanders shall assign an employee to limited duty when:

(1) The employee has been deemed, on a temporary basis, medically unable to perform the essential duties of the employee's employment classification by a medical care provider; the limited duty activities have been medically approved, and there is an expectation the employee will return to full, unrestricted duty at the end of the temporary limited duty assignment.

(2) The needs of the Department require such assignment.

(3) An employee has filed an application for disability retirement and is awaiting a decision by the California Public Employees' Retirement System (CalPERS) to approve or deny the application. Limited duty may be provided to employees in this situation who have exhausted their eligibility for Labor Code Section 4800.5 time, Industrial Disability Leave, or Temporary Disability benefits, and have depleted their leave balances. Duration of limited duty assignment rules are still applicable (refer to paragraph 5.a.). The Injury Case Management Section (ICMS) should be contacted to determine an employee's benefit eligibility.

b. Assignment. Commanders shall assign appropriate limited duty based on the employee's medically approved activities, employee classification, and the needs of the Department. A vacant employment position need not exist when assigning limited duty. Examples of limited duty assignments are as follows:

(1) Uniformed Employees. Reviewing accident investigation reports, answering phones at a communications center, front desk, filing court cases, training officer, evidence officer, assist school bus officer, public affairs assignment, and investigation assistant.

NOTE: Commanders shall provide temporary assignments that are consistent with the employee's medical restrictions. When considering options, commanders shall consider having the employee work in other commands, such as a Division or a communications center, when appropriate.

(a) Removal of Peace Officer Powers. Commanders shall concurrently revoke the peace officer powers and secure all state-issued firearms whenever a uniformed employee is on limited duty as a result of a psychological injury, to include stress. In those instances where commanders have identified extenuating circumstances, the commander may provide justification through channels to the Office of the Commissioner, requesting a waiver.

(b) Restrictions on Assignment. If medical restrictions prevent enforcement activities, uniformed employees shall only participate in nonenforcement activities while assigned to limited duty and shall not wear a uniform, display a badge, or operate an enforcement vehicle.

(c) Options Letter. The Department cannot offer permanent limited duty to uniformed staff (refer to Vehicle Code Section 2268). If a uniformed member of the Department is determined permanently unable to return to full duty while still on limited duty, the command shall immediately contact the ICMS to determine if an options letter should be served and limited duty terminated.

(2) Nonuniformed Employees. The use of limited duty assignments can include the employee's normal essential functions that do not violate the temporary medical restrictions. Additional temporary duties that do not violate the medical restrictions may also be assigned. For example, a janitor, who is unable to lift more than 10 pounds, may be assigned to the duties of an Office Assistant while recovering from injury; or a Staff Services Analyst, who normally types the majority of their workday and is temporarily restricted from repetitive use of their upper extremities, may be assigned to answering phone calls or reviewing staff reports in a Division office.

c. Reasonable Accommodations. Commanders shall ensure that every effort is made to reasonably accommodate an employee when assigning limited duty. The Department shall provide a reasonable accommodation to employees in a manner that adheres to the employee's medical restrictions. Each reasonable

accommodation request requires a case-by-case analysis. The employee may need to provide the Department with reasonable medical documentation of their disability. For more information regarding the reasonable accommodation process, refer to Highway Patrol Manual (HPM) 10.12, Equal Employment Opportunity Manual, Chapter 9, Accommodation Services. Questions concerning reasonable accommodations may be addressed to the Equal Opportunity and Access Section (EOAS) at EOAS@chp.ca.gov.

d. Secondary-Employment Requests. Refer to HPM 10.3, Personnel Transactions Manual, Chapter 14, Inconsistent and Incompatible Activities.

### 3. PROCEDURES.

#### a. Documentation.

(1) All employee requests for temporary limited duty shall be submitted in writing with the list of medical restrictions and period of the temporary limited duty from the physician utilizing a CHP 443, Limited Duty Assignment – Physician’s Report, or other medical document containing the same information as would be reported on a CHP 443.

(2) All approvals of limited duty shall be documented in writing, utilizing page two of the CHP 443. The ICMS and State Compensation Insurance Fund (SCIF) shall be copied for limited duty associated with industrial claims filed with the SCIF.

(3) Denial of limited duty shall be documented in writing after discussing the denial with the appropriate Office of Primary Interest, utilizing page two of the CHP 443. The ICMS and the SCIF shall be copied for limited duty associated with industrial claims filed with the SCIF.

b. Prescribed Medication. If medication is prescribed, the medical care provider shall identify potential effects of the medication relevant to the employee’s ability to perform the proposed limited duty assignment activities, to include the operation of a motor vehicle.

### 4. RESPONSIBILITIES.

#### a. Commander.

(1) Commanders shall notify the treating physician and the SCIF of the Department’s desire to return an injured employee to work, as soon as medically appropriate, and of the availability of limited duty assignments for the

injured employee. Commanders shall ensure that the physician is provided with a copy of the employee's duty statement (for nonuniformed employees) or a CHP 225, California Highway Patrol Officer 14 Critical Physical Activities, (for uniformed employees) along with a request to complete the CHP 443.

(2) The commander shall discuss the limited duty assignment with the employee and the employee's supervisor.

(3) Commanders shall notify the ICMS of any limited duty assignment, extension, modification, or termination (refer to 3.a for distribution of the CHP 443).

(4) Commanders shall document the limited duty assignment on the CHP 120, Off Full Duty Status Report.

b. Supervisor.

(1) Supervisors shall notify the commander if it appears an employee is not making a good-faith effort toward medically recommended rehabilitation.

(2) Supervisors shall notify the commander of any significant status change of an employee's injury or illness.

c. Employee.

(1) The employee shall follow the directions and prescriptions of a medical care provider and return to full duty or limited duty as soon as medically appropriate.

(2) The employee shall notify a supervisor of any status change of the injury or illness.

5. DURATION OF ASSIGNMENTS.

a. Duration. The duration of the limited duty assignment shall be directed by the nature of the injury or illness and the needs of the Department on a case-by-case basis not to exceed 12 months, or in certain circumstances 18 months, continuous or accumulated, within a 5-year period.

(1) Commander Authorization. Commanders may authorize limited duty assignments of up to 6 months, continuous or accumulated. For pregnancy-related limited duty, commanders may authorize limited duty immediately upon the notice of pregnancy until the pregnancy-related disability

ends, regardless of the duration. Pregnancy-related limited duty does not count against the duration limit.

(2) Assistant Commissioner Authorization. Commanders shall request authorization from the appropriate Commissioner to extend a limited duty assignment beyond 6 months for positions other than within an Executive Office. Two extensions up to 3 months each may be given, upon request, by the appropriate Commissioner for a total of 12 months of limited duty (6 months at Command level and 6 months [in two 3-month increments] by the appropriate Commissioner). An additional extension of up to 6 months may be given by the Commissioner for catastrophic injury claims, defined as injury resulting from a single, specific, significant incident causing multiple body traumas which requires hospital intervention at onset, or employees pending CalPERS disability retirement (refer to paragraph 5.e.[1]) for a maximum of 18 months of limited duty.

b. Commissioner Authorization. The Commissioner or Deputy Commissioner may authorize limited duty assignments extending beyond 6 months for positions within an Executive Office. Two extensions up to 3 months each may be authorized, upon request, by the Commissioner or Deputy Commissioner for a total of 12 months of limited duty. An additional extension of up to 6 months may be given by the Commissioner or Deputy Commissioner for catastrophic injury claims, defined as injury resulting from a single, specific, significant incident causing multiple body traumas which requires hospital intervention at onset, or employees pending CalPERS disability retirement (refer to paragraph 5.e[1]) for a maximum of 18 months of limited duty.

c. Specified Termination Date. Limited duty assignments may not be authorized if the medical care provider fails to specify a termination date, except for those employees authorized to work limited duty pending CalPERS decision on disability retirement (refer to paragraph 5.e[1]). A termination date may be identified as the date of return to full duty, the date of off-duty placement for scheduled surgery, the date of approval for disability retirement, or other reasons not previously listed.

d. Medical Examinations. Commanders may request a Department-ordered fitness-for-duty examination if the potential exists that the employee's medical condition may be deemed permanent. If the employee has an active workers' compensation claim for a condition which is the subject of a fitness issue, a request for medical clarification of the employee's work status should be made through the SCIF (refer to HPM 10.7, Injury and Illness Case Management Manual, Chapter 7, Department-Ordered Fitness-for-Duty Examinations and State Fund-Initiated Medical Examinations, of this manual).

e. Limited Duty Pending Retirement. Employees who have exhausted their eligibility for under Labor Code Section 4800.5, and Temporary Disability benefits, and are awaiting a disability retirement decision by CalPERS, may be assigned limited duty (not to exceed the maximum duration [refer to paragraph 5.a.]) on a case-by-case basis as follows:

(1) Employees under the minimum age for service retirement who have depleted available leave credits and are awaiting a disability retirement decision may be assigned limited duty, not to exceed the maximum duration, to prevent financial hardship. If the employee is subsequently approved for retirement, the limited duty assignment shall be terminated immediately. If the disability retirement is denied, the commander shall immediately contact the ICMS to discuss the next appropriate action.

(2) Employees who have attained the minimum age for service retirement, have depleted available leave credits, and are awaiting a disability retirement decision shall not be approved for limited duty assignments. Employees in this category may amend their retirement application to reflect a service retirement pending an industrial disability retirement or remain off work in a nonpay status.

6. REFUSAL OF LIMITED DUTY BY EMPLOYEE.

a. Employee Refusal. If an employee refuses to perform medically approved limited duty, the commander shall request, through channels to the appropriate Commissioner, to expeditiously render a departmental decision to order the employee to perform the limited duty. The request for the decision shall be documented on a memorandum to include pertinent information relevant to the injury or illness case and limited duty options offered. A copy of the CHP 443 shall be attached to the memorandum. If an employee refuses to perform the medically approved and Department-ordered limited duty, the commander should contact the Office of Legal Affairs for guidance.

7. RETURN TO FULL DUTY.

a. Responsibility of Commanders and Supervisors. Commanders and supervisors are responsible for maintaining ongoing communication with temporarily disabled employees and for arranging a return to full duty as soon as medically appropriate.

b. Effective Date of Return to Full Duty. Employees shall be returned to full duty upon command receipt of written authorization from the employee's medical care

provider and/or in accordance with the estimated date of return to full duty documented on the employee's CHP 443.

c. Notification. Commanders shall notify Division of an employee's return to full duty utilizing the CHP 120, Off Full-Duty Status Report. The ICMS and the SCIF shall also be notified, if industrial, by submitting the Duty/Disability Status form available at [dutystatusemail.chp.ca.gov](mailto:dutystatusemail.chp.ca.gov).

d. Medication. Employees released to full duty may continue to take prescribed medication upon command receipt of written authorization from the employee's medical care provider indicating the medication will not interfere with the performance of the employee's duties, to include the operation of a motor vehicle.

e. Retraining Requirements for Uniformed Employees. Uniformed employees returning to full duty after extended injury or illness shall comply with mandatory training prior to resuming full duty activities (refer to HPM 70.13, Departmental Training Manual, Chapter 26, Mandated Training for Employees Returning to Full Duty).

f. Denial of Disability Retirement Request. If an employee's application for disability retirement is cancelled or denied by CalPERS, the command shall contact the ICMS to determine, on a case-by-case basis, the next appropriate steps.

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