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# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: RESTRICTED DUTY	NUMBER: 331
CANCELS ORDER DATED: 1-1-98	DATE: 7-1-08

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I. PURPOSE

The policies and procedures established herein are designed to ensure the Department responds efficiently and effectively to meet the police service needs of the citizens of Fairfax County. Additionally, this policy provides a guideline for balancing the requirements to meet police service demands with the needs of those non-probationary employees who due to injury, illness, or other disability become temporarily unable to perform all the essential task requirements of a police officer.

II. POLICY

The Department is committed to providing the citizens of Fairfax County with efficient and effective police service while adhering to the provisions of the Americans with Disabilities Act. This policy will be reviewed on a regular basis to ensure full compliance with ADA related administrative regulations adopted by the Fairfax County Office of Personnel and Office of Equity Programs.

III. APPLICABILITY

This policy establishes policy and administrative procedures relating to the physical and/or mental fitness required of all personnel holding sworn police positions within the Department. The fitness and duty requirements shall also apply to probationary police officer trainees and police cadets.

IV. DEFINITIONS

Essential Job Tasks: The mandatory core job tasks each sworn employee must be mentally and physically capable of performing with or without a reasonable accommodation to be eligible for hire and/or continued employment as a sworn police officer.

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Full Duty: A job status indicating that an employee is capable of performing the essential job tasks required of a police officer.

Medical Temporary Restricted Duty: A limited term duty status indicating that a sworn employee is not able to perform some essential police officer job tasks, but is able to perform useful law enforcement-related work and is medically approved to be assigned to an existing administrative or service position within the Department. In those instances where an assignment within the Department is not available, consideration will be given to placing an employee temporarily with another county agency for the duration of their incapacity.

During this period of incapacity, the agency will restrict the affected employee's use of marked police vehicles and require that only civilian attire be worn. This action is intended to limit the exposure of an injured or disabled employee to additional injury or stress, and to ensure that officers are not placed in a position which would represent a risk to themselves, other employees, or the public.

Reasonable Accommodation: Includes, but is not limited to, making existing facilities used by employees readily accessible to and useable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; providing readers or interpreters, etc.

Undue Hardship: Means, with respect to providing an accommodation, incurring a significant expense or significant difficulty by the agency in light of the nature and net cost of the accommodation; the overall financial resources involved in providing the accommodation; the effect on expenses and resources; the type and location of the operation; the impact of the accommodation upon operations, including the impact on the ability of other employees to perform their duties and on the facility's ability to conduct business.

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V. PROCEDURES

A. Essential Job Tasks

The position of sworn police officer, regardless of rank or assignment, requires the ability to perform certain essential job tasks. Essential job tasks for all sworn police officers shall include the ability to work shift work and to effectively and safely use, during both normal and emergency conditions, all standard issued police equipment. Such equipment shall include, but is not limited to: a standard police vehicle, MDT/CAD terminals and displays, report forms and documents, police radio equipment, service pistol, shotgun, baton, pepper spray, and handcuffs. Additionally, as mandated under Regulation 201.6, all officers are charged with the duty to: preserve the public peace; protect life and property; and enforce the laws of the Commonwealth of Virginia and the County of Fairfax. As such, all officers must be reasonably capable of making a forcible arrest and providing routine and emergency assistance to citizens and officers.

B. Medical Temporary Restricted Duty

1. Officers who are not able to perform essential job tasks due to a temporary injury, illness, or other disability may be granted a limited term of restricted duty. The initial determination that restricted duty status is indicated will be based upon a review of the individual circumstances on a case by case basis.
2. Priority for the granting of medical temporary restricted duty will be given to cases involving on-duty or employment related injuries, illnesses, and disabilities over cases which involve an off-duty or non-employment related causative factors.
3. Medical temporary restricted duty and placement in a temporary duty assignment will be limited to those cases where the incapacity is expected to be more than 14 days. If granted, such accommodation may include: reassignment to a location which places less physical or mental demands on an officer; job restructuring; scheduling adjustments; and modification and/or adjustments to office equipment/devices. Any reassignment or accommodation shall be made to an existing position within the department. The Department

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is not required to bear an undue hardship in making a reasonable accommodation, and may limit the number of such available positions based upon the needs of the agency.

4. Permanent restricted duty assignments or accommodation agreements shall not be made. Any restricted duty assignment or accommodation made for an illness, injury, disability, or other cause, which is required due to an employee's inability to perform all the essential job tasks required for a sworn position shall be limited to a maximum of 12 months. In cases of prolonged (excess of 9 months on restricted duty, with a prognosis indicating probability of work restrictions continuing beyond 12 months or 2080 hours) or in cases of a permanent injury, chronic disabling illness or other disability, an employee will be offered the following options: appointment to an existing non-sworn police department or general county position in which the employee can meet all of the essential job functions and qualifications; retirement; resignation; or involuntary separation.
5. Injuries or illnesses for which the employee needs accommodation for less than fourteen days from the date of occurrence/onset may be addressed at the station/division level. Division Commanders may seek to temporarily restrict officers under their command in their law enforcement authority as set forth in this section if circumstances indicate such limitations are in the best interests of the Agency due to the employee's inability to perform all essential tasks; alternately, the employee may elect to use sick, annual, or compensatory leave.
6. An employee in restricted duty is prohibited from engaging in any department approved, police-related, off-duty employment. This prohibition shall include voluntary overtime assignments which are outside the normal restricted duty assignment of the employee.
7. To ensure that officers who are unable to perform essential tasks are not placed in a position which would represent a risk to themselves, other employees or the public, all officers placed into restricted duty status shall not wear a police uniform and shall not operate a marked police vehicle unless said vehicle is clearly marked as being out of service. Service weapons or approved off-duty weapons must be concealed from view if worn. Any enforcement action taken must be

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in accordance with General Order 601, Arrest Procedures, Section X, Special Instances, Paragraph E, Off-duty Incidents. These restrictions will be documented in written form, with a copy provided to the affected officer. These restrictions are not a disciplinary action but are intended to relieve the employee of the responsibility of having to take enforcement action when they are physically unable to do so.

C. Notification requirements

1. The notification requirement of this order may be met by compliance with the existing injury reporting policy mandated under the established Risk Management Procedures for Claims, the provisions of the Virginia Workmen Compensation Law and General Order 330, Reporting Personal Injuries. However, if such a notification is not mandated under existing reporting requirements, a separate notification shall be made under this section.
2. Any officer experiencing an on-duty or off-duty injury, illness, or disability that has caused any restriction in the ability of the affected officer to perform all essential job tasks shall be reported immediately by the officer through their supervisor to their respective bureau commander.
3. The affected bureau commander shall promptly notify the Administrative Support Bureau of any officer becoming subject to the provisions of this general order.

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D. Documentation required

All reports and personnel actions (to include: transfers, temporary assignments, employee reclassifications, accommodation agreements, employee physical ability records, etc.) required to effectively administer the provisions of this general order will be documented in writing on approved forms. Copies will be maintained in the Administrative Support Bureau restricted duty file. Copies of actions involving an employee will be provided to the employee, and a copy placed in the affected employee's personnel file.

Medical information, such as detailed physicians reports, will be filed separately in the employee's medical information file.

E. Evaluation Criteria.

To ensure that this policy is administered in an objective, consistent and non-discriminatory manner, the determination of an employee's fitness and/or ability to perform the full range of essential police officer job tasks must be based on objective job-related criteria. The primary criteria to be used for a fitness for duty determination shall include one or more of the following:

- Results of a medical and/or psychological examination performed by a County physician or a physician approved by the Division of Risk Management, with the determination of fitness for duty being based upon the established Public Safety Position Medical Standards, police officer position description, and list of essential job tasks.
- An official report, training record, administrative investigation, performance evaluation, or request for accommodation.

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VI. ADMINISTRATION

- A. The administration of the provisions of this policy will be supervised and coordinated by the Commander of the Administrative Support Bureau and his/her designee. The Commander of the Administrative Support Bureau may form and utilize a "Restricted Duty Advisory Panel" which may, as deemed necessary, include staff or line representatives from within the Department, Office of Personnel, Office of Equity Programs, the Office of the County Attorney and Risk Management. This panel shall review and make advisory recommendations regarding the application of this policy and related administrative procedures to the commander of the Administrative Support Bureau.
  
- B. To ensure the equitable application of this policy and enhance the proper administration and control of those sworn personnel placed in a restricted duty status for more than 14-days, all such employees shall be placed under the direct administrative authority of the Commander of the Administrative Support Bureau. Any reassignment, transfer, accommodation agreement, job restructuring, or other personnel action involving such personnel shall be coordinated with and approved by the Administrative Support Bureau Commander or his/her designee. Where there is an occupational injury or illness for which an employee has filed a Workers' Compensation claim, established procedures as outlined in the Risk Management Manual will be followed including oversight/coordination of temporary modified duty/bridge assignments by the Fairfax County Rehabilitation Specialist.
  
- C. The commander of the Administrative Support Bureau shall maintain a tracking system and report on a monthly basis to the administrative staff all employees subject to the provisions of this general order due to their inability to perform all essential police officer job tasks and/or who are on restricted duty status. This report will include the employees current duty status, regular and temporary restricted duty assignments, types of leave applied, relevant dates (indicating the beginning of restricted duty status, personnel action dates, medical examination dates, date of expected return to full duty) and any other required information required to administer and coordinate the application of this general order.

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VIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC  
PER.  
03.03  
03.06

This General Order becomes effective July 1, 2008 and rescinds all previous General Orders pertaining to the subject.

ISSUED BY:

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Chief of Police

APPROVED BY:

  
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County Executive