

<b>FAIRFAX COUNTY POLICE DEPARTMENT</b>  <b>GENERAL ORDER</b>	SUBJECT: <b>RESTRICTED DUTY</b>		NUMBER: <b>331</b>
	EFFECTIVE DATE: June 17, 2024	REVIEW: June 2028	
RESPONSIBLE ENTITY: ADMINISTRATIVE SUPPORT BUREAU			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 06-17-24
ACCREDITATION STANDARDS	CALEA: 22.2.1	VLEPSC:	

I. PURPOSE

The purpose of this General Order is to establish guidelines and procedures for any employee who, due to injury, illness, pregnancy, disability, or other medical condition becomes temporarily unable to perform the essential job tasks of a police officer, as well as the policy and administrative procedures relating to the physical and/or mental fitness required of all sworn police personnel within the Department, to include probationary police officer trainees and police recruits. Employees in the Police Bargaining Unit are covered under this General Order and Article 52 (Light Duty) of the [Collective Bargaining Agreement](#).

II. POLICY

It is the policy of the Fairfax County Police Department (FCPD) to provide all community members and visitors to Fairfax County with efficient and effective police services. In doing so, the Department shall ensure that all employees who, due to injury, illness, pregnancy, disability, or other medical condition, become temporarily unable to perform their job requirements, are afforded appropriate alternative work assignments in order to continue serving the needs of the community.

III. DEFINITIONS

- A. **Essential Job Tasks:** Mandatory job tasks all sworn employees must be mentally and physically capable of performing to be eligible for hire and/or continued employment.
- B. **Full Duty:** Job status that indicates an employee is capable of performing the essential job tasks required of a police officer.
- C. **Restricted Duty:** A limited-term duty status indicating that a sworn employee has work restrictions that cause that employee to be unable to perform some essential job tasks while still 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. Restricted Duty is appropriate for employees who cannot perform their essential job tasks for more than fourteen (14) calendar days but no more than twelve (12) months or 2,080 hours.

- D. **Prolonged Case:** Cases with a prognosis indicating probability of work restrictions continuing beyond twelve (12) months or 2,080 hours.

#### IV. GENERAL PROCEDURES

- A. **Essential Job Tasks:** All sworn personnel, regardless of rank or assignment, are required to perform certain essential job tasks. These tasks shall include, but are not limited to, the ability to work shift work, and effectively and safely use (during normal and emergency conditions) all standard issued police equipment. Such equipment shall include, but not be limited to, police vehicles, CAD terminals, the Department's Records Management System (RMS), police radios, firearms, and less lethal force weapons. Additionally, all sworn officers are charged with the duties of preserving the public peace, protecting life and property, and enforcing the laws of the Commonwealth of Virginia and Fairfax County and as such, must be reasonably capable of making forcible arrests as needed, providing routine and emergency assistance to other officers and community members, and performing all other essential job tasks listed in the respective class specification for that employee's position.
- B. **Restricted Duty:** Officers who are unable to perform essential job tasks due to temporary injury, illness, pregnancy, disability, or other medical condition may be granted limited terms of restricted duty. The goal of the restricted duty assignment is to assist employees in returning to their full-duty status and position within the FCPD and to take into consideration the employee's skills and abilities within the limitations of their medical restrictions for a restricted duty assignment. The initial determination that restricted duty status is warranted shall be based upon a review of all circumstances on a case-by-case basis.
1. **Placements:** Priority for granting of restricted duty shall be given in those cases involving on-duty or employment-related injury, illness or disability, pregnancy, or other medical conditions over cases that involve off-duty or non-employment related causative factors. Restricted duty and placement in a temporary duty assignment shall be limited to those cases where the incapacity is expected to exceed fourteen (14) calendar days. Where granted, restricted duty may include reassignment to a location where the employee only performs administrative duties. Reassignments and placements shall be made to existing positions within the Department. In those instances where an assignment within the Department is not available,

consideration shall be given to placing an employee temporarily with another county agency for the duration of their temporary incapacity for which the sworn employee has skills to perform.

2. **Permanent Assignments Prohibited:** Permanent restricted duty assignments are prohibited. Any restricted duty assignment or placement made for illness, injury, pregnancy, disability, or other medical condition, that becomes required due to an employee's inability to perform the essential job tasks required of a sworn position shall be limited to a maximum of twelve (12) months. In prolonged cases or cases of permanent or chronic injury, illness or disability, pregnancy, or other medical conditions, an employee may be offered the following options:
  - a. The employee may elect to use Family Medical Leave (FML), paid family leave, sick, annual, or compensatory leave pay types if available, during this time, with the approval of their commander.
  - b. Appointment to an existing non-sworn position within the Department for which the sworn employee has the skills to fulfill the essential job functions.
  - c. Appointment to an open general County position for which the sworn employee has the skills to fulfill the essential job functions.
  - d. Retirement, or disability retirement if applicable; resignation; or involuntary separation.
3. **Placements for Less than Fourteen Calendar Days:** Employees who require placement for less than 14 calendar days from the date of occurrence/onset of an injury/illness may be addressed at either the station or division level as applicable. Division commanders may seek to temporarily restrict officers under their command in the exercise of their law enforcement authority where circumstances indicate such limitations are in the best interests of the Department due to the employee's inability to perform all essential tasks. The employee may also elect to use family medical leave (FML), paid family leave, sick, annual or compensatory leave pay types, if requested, and available, during this time, with the approval of their commander in consultation with the Human Resources Division.
4. **Non-Regular Employment:** Employees on restricted duty may be permitted to engage in approved Department overtime in accordance with [FCPD General Order 340](#) (Non-Regular Employment). Any request to perform Department overtime by employees on restricted duty shall be made directly

to the Commander of the Department's Administrative Support Bureau or their designee and shall be in strict accordance with any listed work restrictions listed on the employee's most recent Medical Status Report.

5. **Prohibition on Wearing of Uniforms and Use of Police Vehicles:** Officers who are placed on restricted duty shall not wear police uniforms, nor may they use marked police vehicles, in order 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. Only civilian attire may be worn, and all service and approved off-duty weapons must be concealed from view if worn. Any arrest enforcement actions taken off-duty shall be taken in accordance with [FCPD General Order 601](#) (Arrest Procedures). Affected officers shall be provided a written document of all applicable restrictions, which shall not serve as a disciplinary action, but shall rather serve to inform the employee of the types of actions they are prohibited from taking while on restricted duty.
  
- C. **Notification Requirements:** Notifications of illness or injury may be made through existing injury reporting policies mandated under established Risk Management Procedures for Claims, provisions of the Virginia Workers' Compensation Act, and [FCPD General Order 330](#) (Reporting Personal Injuries). Any officer who experiences an on-duty or off-duty injury, illness, pregnancy, disability, or other medical condition that causes any work restriction in their ability to perform one or more essential job task(s) shall report the condition immediately to their bureau/station commander through their immediate supervisor. The affected bureau/station commander shall then promptly notify the ASB Commander.
  
- D. **Documentation:** All reports and/or personnel actions (e.g. transfers, temporary assignments, employee reclassifications, employee physical ability records) required to effectively administer the provisions of this General Order shall be documented in an approved format. Copies of actions that involve an employee shall be provided directly to the employee and placed in their personnel file. Medical information, to include detailed physician reports, shall be filed separately in the employee's medical information file maintained in the ASB.
  
- E. **Evaluation Criteria:** Determination of employee fitness and/or ability to perform the full range of essential job tasks shall be based upon objective job-related criteria. The primary criteria to be used for fitness for duty shall include any one or more of the following:
  1. Results of a medical and/or psychological examination performed by a treating physician, mental health professional, or physician approved by the

Risk Management Division (RMD), with determination of fitness for duty being based upon established Public Safety Position Medical Standards, the police officer position job description, and list of essential job tasks. Where an employee is placed on restricted duty pursuant to an accepted workers' compensation claim, the return to duty determination shall be made from their treating physician as approved by RMD.

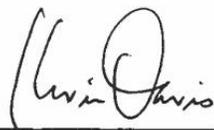
2. Official reports, training records, administrative investigations, or performance evaluations.

## V. ADMINISTRATION

- A. **Restricted Duty Advisory Panel:** The administration of the provisions of this General Order shall fall within the purview of the ASB Commander or their designee. The ASB Commander may form and utilize a Restricted Duty Advisory Panel which may, as necessary, include staff or line representatives from within the Department, SSPBA, DHR, OHREP, County Attorney's Office, and Risk Management Division. The panel shall review and make advisory recommendations regarding application of this General Order and any related administrative procedures to the ASB Commander. A Light Duty Coordinator (LDC) may be designated for the purposes of coordinating Light Duty assignments and other administrative actions related to restricted duty.
- B. In order to ensure equitable application of this General Order and enhance proper administration and control of all sworn personnel placed in a restricted duty status for more than fourteen (14) calendar days, all restricted duty employees shall be placed under the direct administrative authority of the ASB Commander. Any reassignment, transfer, or other personnel action that involves restricted duty employees shall be coordinated with, and approved by, the ASB Commander or their designee. Where the employee has filed a workers' compensation claim for an occupational illness or injury, all established procedures as outlined in the Risk Management Manual shall be adhered to.

General Order 331 becomes effective on the above date and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



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Chief of Police

APPROVED BY:



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County Executive