

I. PURPOSE

To establish a policy in dealing with on-duty and off-duty injuries/illnesses that is consistent with the Virginia Workers' Compensation Act as well as other county, state and federal regulations.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office that commitment to the health and safety of our employees' is a priority. As part of that commitment, any Sheriff's Office employee who sustains a work-related injury or illness will obtain initial medical care, receive any necessary follow up care, and return to work as soon as he/she is cleared medically. In the case of off-duty injuries and illnesses, the procedures outlined in this policy must be followed in order to ensure fair and equitable treatment in all cases.

III. PROCEDURE

A. Work Related Injuries and Occupational Illnesses

1. Initial Reporting

- a. On-Duty Injuries and Occupational Illnesses - Agency employees' who sustain a personal injury during their normal tour of duty shall, without delay, make a verbal notification to their immediate supervisor of the circumstances. If the immediate supervisor is unavailable, the next level supervisor in the employee's chain of command shall be notified.
- b. Off-Duty Injuries - Law Enforcement Related - Any deputy sheriff who sustains a personal injury during the performance of Sheriff's Office related off-duty employment compensated by the County of Fairfax, or through the performance of a law enforcement function, such as an off-duty arrest, shall immediately notify an on-duty supervisor.
- c. An appropriate supervisor shall investigate the circumstances surrounding the incident and, if appropriate, submit a Workers Compensation claim online.
- d. The supervisor conducting the investigation shall confer with the injured employee for the completion of the Employer's Accident Report, to review the completed form for accuracy and completeness, and to ensure the information is conveyed to the third-party administrator. This form must be submitted no later than the end of the workday even if all of the information is not available. Within 24 hours of the initial injury, the investigating supervisor shall also provide a copy of the completed claim to the Human Resources Branch for record keeping purposes.
- e. The third-party administrator shall send the injured employee's information to the Virginia Workers' Compensation Commission. The third-party administrator will mail the injured employee the forms required to file a claim. These forms will include a letter which acknowledges receipt of the claim, a Virginia Workers' Compensation Pamphlet, a physician's panel list, a medical reimbursement form, and a claim for benefits form.

**STANDARD OPERATING PROCEDURES
FAIRFAX COUNTY SHERIFF'S OFFICE**

**SOP NUMBER: 051
SUBJECT: EMPLOYEE INJURY/ILLNESS**

NOTE: It is the responsibility of the injured employee to file a claim with the Virginia Workers' Compensation Commission via the claim for benefits form within two years from (1) the date of the injury, or (2) the date a doctor diagnoses an occupational disease.

- f. The supervisor completing the Employer's Accident Report is required to provide the injured employee with a "Medical Status Report" form when applicable. This form is to be presented to the treating physician who will be asked to complete the "Physician's Initial Report" section. This form must be completed each time the injured employee sees the treating physician.
- g. Emergency and follow-up medical treatment for all work related injuries or occupational illnesses must be performed by one of the facilities or physicians approved by the Risk Management Division. The Authorized Physician's Panel is updated annually and available on the SHFNET. Failure to receive treatment with a physician on the panel will jeopardize an employee's right to workers' compensation benefits.
- h. Employees' who receive medical bills for job related injuries/illnesses will send a copy of the itemized bill directly to the third-party administrator for disposition.
- i. Injury Leave will be granted only when the Medical Status Report includes the proper documentation of the date and time for which the leave was determined to be necessary.
- j. Workers' Compensation Claims denied by the third-party administrator will result in all Injury Leave being denied. Upon receipt of the denial letter from Fairfax County Risk Management, Sheriff's Office Payroll will then debit the employee's personal leave for all Injury Leave hours used.
- k. Employees' who are on Injury Leave shall ensure that the Medical Status Report reflects the injury, the date(s) of Injury Leave, and the estimated date for a return to full duty. The Medical Status Report shall be signed by the attending physician. When the employee is requesting to return to work in a "temporary medically restricted" status, medical restrictions must be noted on the Medical Status Report (See SOP 051a - Restricted Duty).
- l. Injury Leave begins on the first day of injury and shall expire no later than twelve calendar months from the original injury date. Re-injuries do not extend the period of eligibility for injury leave. When assigned to injury leave status, no leave benefits will accrue.
- m. Employees' on Injury Leave are specifically prohibited from engaging in activities that may impair their recovery. These include but are not limited to:
 - 1) Engaging in strenuous recreational or other physical activities without the approval of authorized physicians.
 - 2) Being employed or self-employed to perform work of any kind without prior written approval of the authorized physician and the

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employee's Division Commander after consultation with the Risk Management Division.

- n. The Sheriff, or designee, may disapprove Injury Leave for injuries caused by the employees' fault or negligence even if the injury is compensable under the Virginia Workers' Compensation Act.
- o. In the event of a claim denial, Injury Leave will be debited from the injured employees' Sick Leave.

B. Exempt Benefits Eligible and Exempt Temporary Employees'

- 1. Employees' who are not eligible for injury leave are covered by the Virginia Workers' Compensation Act.
- 2. Workers' Compensation forms for these employees should be submitted to Risk Management.
- 3. The agency should clearly note at the top of the Employer's First Report of Accident form the words: "Not Eligible for Injury Leave."

**02/10/05
DATE APPROVED**



**STACEY A. KINCAID
SHERIFF**

**05/14/18
EFFECTIVE DATE**

Revised: January 2010, August 2013, January 2016, May 2018