

I. **PURPOSE**

To establish process and procedure for employees whose duty status has been restricted due to a work-related or non-work-related injury or illness.

II. **POLICY**

It is the policy of the Fairfax County Sheriff's Office that restricted duty assignments are made available, to the extent possible, to employees with medical restrictions due to either work-related or non-work-related injuries or illnesses during periods of rehabilitation. This policy provides a guideline for balancing the Sheriff's Office responsibilities with the needs of those employees who, due to specific medical reasons become temporarily unable to perform the essential functions of their job assignment.

III. **DEFINITIONS**

Essential Job Tasks/Functions - Fundamental duties, responsibilities and tasks of a position that the person holding the job must be able to perform.

Full Duty - A job status indicating that an employee can perform all the essential duties, responsibilities and tasks required of their position as outlined in their job description.

Restricted Duty - A limited term duty status indicating that an employee is not able to perform some essential job functions, but can perform related work with restrictions provided by a medical provider.

IV. **PROCEDURE**

A. Work-Related Injuries/Illness

1. Any employee being treated for a work-related injury shall be required to notify his/her supervisor immediately when he/she is permitted by the treating physician to work in a restricted duty capacity. If the supervisor is unavailable, the employee shall notify the next available supervisor in the employee's chain of command.
2. Restricted duty assignments shall follow the treating physician's guidelines in conjunction with Fairfax County Personnel Regulations and Virginia Workers' Compensation laws.
3. Any employee reporting to restricted duty for the first time due to a work-related injury or illness must submit a completed Medical Status Report.
4. It shall be the employee's responsibility to provide medical status updates from the workers' compensation treating physician to his/her supervisor if the next appointment is not clearly indicated on a current Medical Status Report. The medical documentation is mandatory and must include at a minimum:
 - a. A detailed description of the restrictions being placed on the employee (e.g., lifting, walking, standing, or sitting restrictions).
 - b. An expected date of return to full duty.
 - c. The signature and telephone number of the physician.

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5. Priority for the granting of restricted duty will be given to cases involving on-duty or employment related injuries and illnesses over cases which involve off-duty or non-employment related injuries or illnesses.

B. Non-Work-Related Injury/Illness

1. Employees who are unable to perform the essential functions of their position due to an injury or illness that is not work-related may request to return to work in a restricted duty capacity. An employee with a non-work related injury or illness must inform their supervisor if they will use leave until the injury or illness is corrected, or if they intend to request to work in a restricted duty capacity. For those requesting to return to work, their request along with medical documentation supporting their request must be provided to their supervisor. The medical documentation is mandatory and must include at a minimum:
 - a. A detailed description of the restrictions being placed on the employee (e.g., lifting, walking, standing, or sitting restrictions).
 - b. An expected date of return to full duty.
 - c. The signature and telephone number of the treating physician.
2. The cause of the restrictions for non-occupational injuries do not need to be identified for restricted duty approval.
3. A determination for a restricted duty assignment is based on the assignment(s) available which meet the employee's restrictions.
4. It shall be the employee's responsibility to provide medical status updates from the treating physician to his/her immediate supervisor in accordance with the medical professional's indication of the employee's next appointment.

C. Pregnancy

1. Pregnant employees may request a restricted duty assignment as soon as they are aware of their pregnancy. Confirmation from a medical professional, supporting the restricted duty request, will be required within a reasonable period.
2. As provided in the Pregnancy Discrimination Act, pregnant employees have a right to work in a full duty status if they can perform all of the essential job functions.
3. Pregnant employees will no longer work in a full duty assignment when:
 - a. The employee requests a restricted duty assignment;
 - b. The pregnancy is found to interfere with the employee's ability to fully perform her essential duties (such as range in-service qualifications); or
 - c. The pregnancy is found to present a risk to the safety of co-workers or members of the public.

D. Employee Responsibilities

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1. Employees assigned to restricted duty shall wear attire appropriate to their work assignment. Appropriate attire is further detailed in [SOP 019a – Uniforms](#).
 - a. Deputies are prohibited from openly displaying their credentials and agency issued weapon while on restricted duty status.
 2. Employees working in a restricted duty capacity shall be allowed to perform physical fitness training only with written approval from their treating physician showing the type, frequency, and duration of fitness conditioning that they may perform.
 3. Training shall be maintained providing it does not conflict with the medical restrictions (e.g., MIR training is typically permitted; range training is typically not permitted).
 - a. Deputies in a restricted duty status who do not qualify with their weapon during any calendar year must request an extension through the Training Branch.
 4. Scheduled annual physical appointments shall be maintained when an employee is on restricted duty.
 5. Employees assigned to restricted duty due to a work-related injury/illness shall not be granted injury leave without a Medical Status Report confirming that the absence is due to the work-related injury/illness. A Medical Status Report that is signed by a physician shall be presented to the employee's immediate supervisor before being reassigned to restricted duty. If the employee is on injury leave and therefore unable to physically present the form to his/her immediate supervisor, the employee shall forward the Medical Status Report to their supervisor or the Human Resources Branch by other electronic means.
 6. Employees assigned to restricted duty shall be responsible for completing their FOCUS in a timely manner and utilizing proper coding.
 7. An employee on restricted duty is prohibited from engaging in any department approved, law-enforcement related, off-duty employment. This prohibition shall include voluntary overtime assignments which are outside the normal restricted duty assignment of the employee.
 8. Employees released from restricted duty by their physician to full duty shall promptly notify their immediate supervisor and provide the appropriate documentation.
- E. Limitations on Restricted Duty Assignments
1. Any restricted duty assignment that is required due to an employee's inability to perform the essential duties required of their position shall be limited to a maximum of 12 months or 2080 hours from the date of incapacity. These limitations are for any injury or illness.
 2. Restricted duty assignments may include reassignment to a location which shall meet the prescribed medical restrictions as outlined by the employee's physician. Any reassignment shall be made to an existing position within the agency. The agency is not required to create or fill positions that are not operationally necessary.

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F. Notification Requirements

1. The notification requirement of this policy 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 Workers' Compensation Law, and [SOP 051 - Employee Injury/Illness](#). However, if such a notification is not mandated under existing reporting requirements, a separate notification shall be made under this section.
2. Any employee experiencing an on-duty or off-duty injury or illness that has caused any restriction in the ability of the employee to perform any essential job function shall be reported promptly to his/her immediate supervisor.
3. The immediate supervisor will notify the Human Resources Branch of any on duty injury and claims will be forwarded to Human Resources as directed in SOP 051 – Employee Injury/Illness. For off duty injuries, medical documentation shall be provided to the employee's immediate supervisor.

G. Evaluation Criteria

1. Employees who are not able to perform essential job tasks due to a temporary illness or injury may be granted a limited term of restricted duty. Requests for restricted duty assignments will be reviewed on a case by case basis.
2. To ensure that this policy is administered in an objective, consistent, and nondiscriminatory manner, the determination of an employee's fitness and/or ability to perform essential job functions 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:
 - a. Results of a medical and/or psychological examination performed by a County physician or a physician approved by the Risk Management Division with determination of fitness for duty based on the established Public Safety Position Medical Standards, the employee's job description, and a list of essential job functions.
 - b. An official report, training record, administrative investigation, performance evaluation, or request for restricted duty assignment.
3. If the employee's supervisor is unable to provide a restricted duty assignment, then the employee's Division Commander will determine the restricted assignment. If there is no reasonable restricted duty assignment within the employee's division, the Division Commander will consult with other Division Commanders to determine another restricted duty assignment in another Division.

H. Return to Full Duty

1. Any employee wishing to return to full duty status must first present a doctor's certificate clearing him/her for full duty. The agency also has the option of using the medical staff at the Public Safety Occupational Health Center to determine fitness for duty.

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2. Fitness for duty examinations may only be initiated with the approval of the Sheriff. If the employee cannot return to full duty or is making no medical progress toward returning to full duty as determined by the medical staff at the Occupational Health Center, then he/she will be medically disqualified and separated from service.



**STACEY A. KINCAID
SHERIFF**

**11/24/09
DATE APPROVED**

**08/27/18
EFFECTIVE DATE**

Revised: February 2010, May 2012, August 2012, December 2014, August 2018