



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Personnel Management

Section: 310.4

Subject: Human Resources

Topic: Temporary Restricted Duty

Accreditation:

Revised:

Reaffirmed:

Enacted: 07/30/2015

Last Review: 11/20/2019

Review: 10/01/2020

I. PURPOSE

The purpose of this General Order is to establish and administer an effective Temporary Restricted Duty ("TRD") policy and to encourage a sworn employee to return to work in a timely manner.

II. POLICY

One of the most important elements in establishing a positive and equitable organizational climate is concern for employees. Part of this climate is the fair management of work related and non-work related injuries, illnesses or other conditions so that the interest of the employee and the employer are adequately balanced in hopes of realizing mutual benefit.

It is the policy of the Loudoun County Sheriff's Office to provide guidelines for balancing service demands with the needs of those employees who become temporarily unable to perform all the essential task requirements of a deputy sheriff.

III. DEFINITIONS

- A. Temporary Restricted Duty – A limited term duty assignment when a sworn member of the Sheriff's Office is not able to perform one or more of his/her essential law enforcement tasks, but is able to perform useful law enforcement-related work and is medically approved for an assignment to an existing administrative or service function within the agency. This status does not change the employee's position; rather, it temporarily changes his/her assigned duties.
- B. Work Related Injury – Any injury/illness/condition that occurs within the employee's scheduled work period or any other work period of employment whereby the employee receives full pay and benefits.
- C. Non-Work Related Injury – Any injury/illness/condition that occurs outside the employee's scheduled work period or during any other period of time whereby the employee is not receiving compensation from or acting as an agent of the Sheriff.
- D. Essential Task Requirement – Those job components that are mandated by an approved task list (see Attachments B & C).

IV. PROCEDURE

- A. Only sworn, full-time Virginia law enforcement academy graduates are eligible to apply for the TRD benefit as outlined in this policy. The number of available TRD positions are at the discretion of the Sheriff or his/her designee.

B. Requirements: Off-Duty Related Injuries

1. Once released by the treating physician and at least seven calendar days immediately following an off-duty related injury/illness/condition have elapsed, the employee may be placed in a TRD assignment. The employee shall use accrued sick or annual leave while awaiting approval of a TRD assignment.
2. An employee will not be placed on TRD for more than 26 weeks for any injury/illness/condition in a 24-month period. The 24-month period shall begin concurrently with the beginning of the 26-week benefit. An employee may be placed on TRD for a period of time less than 26 weeks as determined by the treating physician and a fitness for duty review. The Sheriff has the discretion to extend TRD beyond 26 weeks for any injury/illness in a 24-month period. Any such extension will be closely monitored by the Sheriff's Office Human Resource Specialists.
3. Requests for annual or sick leave during an employee's TRD assignment will be submitted and routed through the chain-of-command of the employee's temporary assignment.
 - a. Any requested and approved annual or sick leave will be counted as part of the 26 weeks allowed on TRD. Any approved leave will not increase the amount of time an employee is working in a TRD assignment.
 - b. An employee must use annual or sick leave when attending a medical-related appointment during the scheduled workday of the TRD assignment.

C. Requirements: On-Duty Related Injuries

1. All sworn, full-time employees are required to complete a Work-Related Injury Report for Workers' Compensation coverage in the event of an on-duty injury/illness/condition as defined by policies in the Loudoun County Human Resources Handbook and the Worker's Compensation Accident Reporting Packet.
2. An employee who receives Workers' Compensation benefits shall be evaluated for a TRD assignment through the treating Workers' Compensation physician. If an employee declines an offer of a TRD assignment and chooses to invoke his/her FMLA rights after he/she has been released to perform restricted duty by the Workers' Compensation physician, the employee's Workers' Compensation and Injury Leave benefits will be suspended. The employee will be required to use his/her own leave or request Leave Without Pay.

3. Once evaluated and approved for a TRD assignment by the treating physician for on-duty related injury/illness/condition, the employee will be placed in a TRD assignment.
 - a. The employee may be placed in a TRD assignment on an intermittent basis or reduced hour schedule as determined by the treating Workers' Compensation physician.
4. An employee will not be placed in a TRD assignment for more than 26 weeks for any injury/illness/condition within a 24-month period. The 24-month period shall begin concurrently with the beginning of the 26-week benefit. An employee may be placed on Temporary Restricted Duty for a period of time less than 26 weeks as determined by the treating physician and a fitness for duty review. The Sheriff has the discretion to extend TRD beyond 26 weeks for any injury/illness in a 24-month period. Any such extensions will be closely monitored by Sheriff's Office Human Resource Specialists.
5. Requests for annual or sick leave during an employee's TRD assignment will be submitted and routed through the chain of command of the employee's temporary assignment.
 - a. Any requested and approved annual or sick leave will be counted as part of the 26 weeks allowed on TRD. Any approved leave will not increase the amount of time an employee is working in a TRD assignment.

D. Responsibilities – Employees – Off-Duty Injury/Illness/Condition

1. Upon experiencing an off-duty injury/illness/condition, the employee shall, as soon as possible, either personally or through a representative, notify the employee's immediate supervisor and the Sheriff's Office Human Resources Specialist.
2. The employee will be given an initial physical examination by his/her treating physician, who will diagnose the injury/illness/condition.
 - a. The treating physician will complete a Request for Temporary Restricted Duty Medical Examination (Attachment A) provided by the employee, and shall state the diagnosis of any injury/illness/condition as well as the estimated duration of any incapacity. The treating physician will also list all restrictions of activity as may relate to the injury/illness/condition based on the Sheriff's Office Task List for Operations Bureau (Attachment B) or the Corrections and Court Services Division (Attachment C).

- b. The County reserves the right to request a second medical evaluation by the medical provider contracted by the County Government.
 - 3. The employee will complete a memorandum to the Sheriff requesting a TRD assignment. This memorandum shall include, as an attachment, a copy of the Request for Temporary Restricted Duty Medical Examination and Task List forms as completed by the treating physician.
 - 4. Upon receipt of the memorandum and documentation, the Sheriff or his/her designee shall review the Request for Temporary Restricted Duty.
 - a. If approved, the Sheriff or his/her designee will forward the documentation to the LCSO Human Resources Specialist who will contact the employee and provide a TRD assignment. This assignment shall be determined by the operational needs of each division. Employees shall not request specific TRD assignments.
 - 5. The employee shall notify the LCSO Human Resources Specialist of any additional medical appointments and any change in medical status as it relates to the injury/illness/condition no later than the next business day following the appointment.
 - 6. The employee shall be medically released by his/her treating physician and cleared by the county's contracted medical service provider prior to returning to normal duties. The medical authority contracted by the County government will conduct a fitness-for-duty physical prior to the employee returning to full duty.
 - a. After a pregnancy, the employee is only required to be released by her treating physician prior to returning to normal duties.
 - 7. Any employee on a TRD assignment for a musculoskeletal injury, once medically cleared, shall make arrangements with the Training Section to qualify with his/her weapon(s) prior to resuming full duty.
- E. Responsibilities – Employee – On-Duty Related Injury
 - 1. Upon experiencing an on-duty related injury/illness/condition, the employee shall notify his/her immediate supervisor and complete or have completed an Employee's Work-Related Injury Report, Employer's Accident Report, and Witness Statement (found in Workers' Compensation Accident Reporting Packet). The reports will be forwarded to LCSO Human Resources and the County's Safety & Risk Management staff.
 - 2. The employee will be given an initial physical examination by a Workers' Compensation physician and receive a diagnosis of the injury/illness/condition.

- a. The Workers' Compensation physician will complete a Medical Treatment and Physical Demands Analysis form (Attachment D), provided by the employee, that shall state the diagnosis of any injury/illness/condition along with the estimated duration of any incapacity. The Workers' Compensation physician will also list all restrictions of activity as they relate to the injury/illness/condition.
3. Upon receipt of the Workers' Compensation forms and Medical Treatment and Physical Demands Analysis form, the LCSO Human Resources Specialist shall review and determine eligibility for TRD.
 - a. If approved, the Sheriff's Command Staff will determine if there is an available TRD position. If there is, the LCSO Human Resources Specialist will contact the employee and provide a TRD assignment. This assignment will be determined by the operational needs of each division.
4. The employee shall notify the LCSO Human Resources Specialist of any additional medical appointments and any change in medical status as it relates to the injury/illness/condition while he/she is in a TRD assignment no later than the next business day following the appointment.
5. The employee must be medically cleared prior to returning to normal duties by the employee's Workers' Compensation physician. The employee will ensure that the completed return-to-duty paperwork is forwarded to the LCSO Human Resources Specialist along with the County's Safety & Risk Specialist without delay.
6. The employee on TRD assignment for a musculoskeletal injury, once medically cleared, shall make arrangements with the Training Section to qualify with his/her weapon(s) prior to resuming full duty.

F. Responsibilities – Employee – County's Contracted Occupational Health

When a deputy receives a scheduled periodic physical examination from the County's contracted occupational health provider as outlined in General Order 305, Physical Standards, and receives from the physician a diagnosis of "This individual is not cleared for full unrestricted duty; however, this individual is cleared for temporary restricted duty," the deputy will be immediately placed on TRD.

1. In this circumstance, the deputy is not required to submit a memorandum to the Sheriff or obtain a TRD medical certification.
2. There is no seven day waiting period in this situation. The deputy will be placed in a TRD position as soon as possible.

3. Prior to returning to full, unrestricted duty, the deputy must be medically cleared by the County's contracted occupational health provider.
4. All other policies and procedures associated with TRD apply.

G. Responsibilities – Sheriff – Non-Work Related and Work Related Injury

The Sheriff or his/her designee will review all requests for TRD status.

1. If TRD has been approved, the Sheriff or his/her designee shall provide a response to the request stating, at a minimum, the following information:
 - a. The employee has, by virtue of his/her injury/illness/condition, been determined by the treating physician to be unable to perform all of the tasks of a law enforcement officer
 - b. Instruction as to the execution of law enforcement powers and duty to respond during the duration of this designation
 - c. Instruction to the employee that he/she will be prohibited from wearing a uniform, displaying a badge and operating any law enforcement vehicle.
2. If TRD has not been approved, the Sheriff or his/her designee shall provide a response advising the employee of the decision. The County's Human Resources Department and the County Attorney's Office will review any proposed denial for a Temporary Restricted Duty assignment.
3. In either situation, a memorandum should be forwarded to the employee prior to the conclusion of seven calendar days from the reported injury/illness/condition, or as soon as is practical.
4. Memoranda issued to employees requesting TRD should contain consistent wording and content to the extent possible.

H. Responsibilities – LCSO Human Resources Specialist

1. Upon receiving approval from the Sheriff to place an employee in a TRD assignment, the LCSO Human Resources Specialist will notify the employee of the TRD assignment and create a case file containing the following information:
 - a. Documentation from the employee's treating physician; and
 - b. Copies of all memoranda sent from or on behalf of the employee which pertain to the TRD assignment.

2. The LCSO Human Resources Specialist will, as soon as practical after the approval of a TRD assignment by the Sheriff or his/her designee, complete the County's Employee Action Form requesting that the employee be temporarily reclassified as a result of the TRD assignment. The LCSO Human Resources Specialist will then submit the Employee Action Form to the Loudoun County Human Resources for processing in Oracle.
3. The LCSO Human Resources Specialist will record the date of the injury, date of eligibility, TRD start date, and place this information in the case file. In addition, the LCSO Human Resources Specialist will advise the employee of the anticipated termination date of his/her TRD assignment.
4. The LCSO Human Resources Specialist will coordinate assignments with all Division Commanders who have provided TRD assignments within his/her division.
 - a. A decision regarding work assignment will be made after considering all information submitted by the employee's treating physician, including the Medical Examination form, as to the appropriate assignment and to whom the employee shall report for duty.
5. Once the treating physician has cleared the employee for full duty, the LCSO Human Resources Specialist will assist the employee in coordinating an appointment for a fitness-for-duty examination with the County's contracted occupational health provider.
6. Throughout the duration of the employee's TRD assignment, the LCSO Human Resources Specialist will remain in contact with the employee, maintain all TRD records, and act as a liaison with the employee, the agency, and Loudoun County Human Resources.

I. Temporary Restricted Duty Performance

The agency has instituted a TRD program for the benefit of the employee and the Sheriff's Office.

1. While on TRD, the employee must meet reasonable performance and productivity standards as set forth in a Temporary Restricted Duty Performance Plan (if the TRD assignment will exceed ninety days).
2. An employee who has been granted a TRD assignment will be placed in a job

function consistent the needs of the agency. The employee may not refuse any job assignment that is consistent those restrictions imposed by the treating physician.

3. Employees granted a TRD assignment may be permitted to attend in-service training provided that all training is classroom instruction, does not involve any physical performance requirements and is consistent with the treating physician's restrictions.
4. Employees granted a TRD assignment will make court appearances as dictated by the court schedule and/or subpoena. If unable to attend due to the injury/illness/condition, the employee will notify his/her TRD supervisor and the Commonwealth Attorney's Office.
5. Prior to the end of 26 consecutive weeks on TRD, an employee will update the LCSO Human Resources Specialist on his/her condition via written documentation from his/her treating physician that provides an estimated date for a return to full duty. Pregnant employees are exempt from this requirement.
 - a. A 12-week extension may be granted by the Sheriff or his/her designee at the conclusion of the initial 26-week period if the employee cannot physically return to full duty and a TRD position remains available. The employee shall visit his/her physician in determining the need for an extension.
 - b. If there is no reasonable assurance that the employee will be able to return to work in 12 weeks, the LCSO Human Resources Specialist will initiate the Americans with Disabilities Act interactive process in conjunction with County Human Resources.

J. Temporary Restricted Duty Prohibitions

1. While in a TRD assignment, an employee will be authorized to exercise his/her law enforcement authority only in cases of self-defense or to defend another person from death or imminent, serious bodily harm.
2. The employee will not operate any law enforcement vehicle or wear a law enforcement uniform of any kind. The employee may carry, in a concealed manner, his/her issued handgun or any approved off-duty weapon with which the employee has qualified.
3. Employees in a TRD assignment may not engage in any off-duty law enforcement employment condition or in any way is contrary to the treating physician's order or that is in violation of General Order 309, Off-Duty Employment.

4. Employees in a TRD assignment may not work overtime or special details in a sworn law enforcement capacity. Employees may work overtime in a non-sworn or support capacity, such as within the Records Section or ECC, with the approval of the TRD assigned Division Commander.

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)