



OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Darren M. Popkin, Sheriff

GENERAL ORDERS/PERSONNEL PROCEDURES



<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Disability Policy	2.15	09/18/15

Policy: A deputy, in order to fulfill assigned duties, must be physically able to perform all of the tasks associated with the position. Therefore, any deputy who is subject to a physical or mental impairment which restricts *their* ability will be relieved of normal duty requirements. This action will be taken on a case by case basis to best meet the needs of the deputy, the community and the *Sheriff's* Office. In *the* formulation of this policy, the Office acknowledges two independent responsibilities. First, the Office as employer has a responsibility to provide support to an injured deputy during the period of recovery and rehabilitation. Second, every deputy has a responsibility to give their best effort to continue to work when able or return to work as soon as practical.

Contents:

- I. Fitness Categories
- II. Administration
- III. Full Duty
- IV. Restricted Duty
- V. *Temporary No-Duty*
- VI. Cancellation

I. Fitness Categories

For the purpose of *managing* the personnel needs of the Office, there are three categories of fitness. The critical criteria for determination of the categories is the ability of an individual deputy to perform the full scope of duties and responsibilities of a sworn deputy sheriff. The categories established are:

- A. Full duty.
- B. Restricted duty.
- C. *Temporary No-Duty*.

II. Administration

The primary responsibility for administration of this policy will be placed with the Sheriff. *The Assistant Sheriff for Operations is responsible for the daily administration of the program and is the liaison between the Sheriff's Office and Montgomery County Occupational Medical Services (OMS). The Assistant Sheriff for Operations will notify the Chief Deputy when an employee has been placed in a restricted duty status. The Chief Deputy will determine the duty assignment for the employee.*

III. Full Duty

The deputy is able to fully perform all duties and meet all responsibilities required of a deputy sheriff. All deputies shall strive to maintain their general health and physical fitness in accordance with standards set by *OMS*.

IV. Restricted Duty

- A. A deputy will be placed on restricted duty if *they are* temporarily unable to fully perform all duties or meet all responsibilities required of a deputy sheriff. Within the fitness category of restricted duty, a deputy will be either on limited, light or temporary no-duty status. There are no permanent restricted duty positions. Deputies on restricted duty must be under doctor's care and in a rehabilitation process so that they can return to full duty *within a six (6) month period*.
- B. Limited Duty
- (1) A deputy may be placed in a limited duty status when the deputy can perform some of the duties assigned; however, a specific, temporary medical limitation exists regarding the type or degree of duties the deputy is physically capable of performing. The medical limitations must be well-controlled and present no unreasonable risk to the individual, other employees or the public during performance of duty.
 - (2) A deputy in a limited duty status may be assigned to a position which has assigned duties and responsibilities consistent with their medical restrictions. This assignment will be made by the Chief Deputy *after consultation with the affected deputy's* Division Captain.
- C. Light Duty
- (1) A deputy may be placed in a light duty status when *they* cannot perform all of the duties of the assignment without presenting an unreasonable risk to the health or safety of self, other employees or the public.
 - (2) The duty assignment will be determined by the Chief Deputy *after consultation with the affected deputy's* Division Captain in accordance with the needs of the Office. *The assignment must be* compatible with the restrictions caused by the injury or illness.
 - (3) *The Sheriff will provide Office employees light duty assignments within the Sheriff's Office.*
 - (4) *Requests and Assignment of Light Duty*
 - (a) *Applications for light duty assignment must be completed by the employee and submitted to the Sheriff or designee. This application must be accompanied by a copy of the Health Status Report from OMS stating that the employee is temporarily unable to perform their regular duties due to medical reasons.*
 - (b) *Primary responsibility for the assignment of light duty status rests with the Sheriff or designee.*

- (c) *Once approved for light duty, the affected employee must meet with the Employee Medical Examiner (EME) at least once a month. The EME may extend the light duty assignment on a month by month basis up to a maximum of 6 months. In the event a disagreement arises as to whether or not an employee is eligible for this continued light duty, the affected employee may be sent for an independent medical examination. Light duty assigned is limited to one instance per injury. Requests for additional light duty assignments beyond that of the original assignment will be denied.*
 - (d) *In the event of extreme circumstances where the recuperation period surrounding on-the-job injuries extends beyond six (6) months, the light duty assignment may be extended at the sole discretion of the Sheriff after consideration of the EME Report.*
- (5) A deputy on light duty is subject to the following conditions:
- (a) Deputy is relieved of all law enforcement responsibility. Being relieved of law enforcement responsibility means a deputy, whose police powers are not suspended, is not required to take police action, but in *their* judgment may take action. This decision must be made by the deputy on a case-by-case basis after considering the risk of further injury to the deputy, the potential injury to the victim of the crime and/or bystanders, and the nature of the event.
 - (b) A deputy placed on light duty will not wear the Sheriff's uniform.
 - (c) Deputies will not operate a marked Office vehicle. The deputy may operate *an* administrative vehicle in a non-emergency capacity.
 - (d) In stress and psychological cases and in unusual or extenuating circumstances when it is in the best interest of the Office, *the* Chief Deputy, *after consultation with the affected deputy's* Division Captain, *will* determine what, if any, further personnel action is necessary. Various factors, such as the deputy's ability to handle a weapon, operate an Office vehicle, make an arrest, deal with the public, etc., will be considered before a determination is made as to what restrictions should apply to the deputy.
 - (e) If it is determined that the deputy's police powers are to be suspended, the *Division Captain* or their designee will complete a MCSO75 Suspension of Police Powers Memorandum. In all cases, the deputy will be notified in writing by the Section Supervisor or designee as to what restrictions apply.

V. Temporary No-Duty

- A. A deputy will be in a temporary no-duty status when *they are* unable to perform the duties and responsibilities of *their* assignment without representing an unreasonable risk to self, other employees or the public. A deputy on sick leave or disability leave will be in this status and *their* return to another status must be certified by *OMS* if a duty related sickness or injury exceeds three (3) days or if a non-duty related sickness or injury exceeds fifteen (15) days. Sick leave approved in advance for such incidents as medical appointments, family illness, etc., are not included in this policy.
- B. The following conditions apply initially to a deputy in a no-duty status:
- (1) The deputy will not wear the Sheriff's uniform.
 - (2) The deputy will not operate a Sheriff's vehicle.
- C. When a deputy is in the no-duty status, the *Section Supervisor* will have the following responsibilities:
- (1) Determine the projected duration of the illness or injury. If the duration is expected to be five (5) working days or less, no further action needs to be taken. If the duration is expected to be more than five (5) workdays, the *Section Supervisor* will provide this information to the Division Captain.
 - (2) The Chief Deputy, *after consultation with the affected deputy's* Division Captain, will determine what further personnel action if any will be taken. After evaluating various factors such as the deputy's ability to handle a weapon, operate a sheriff's vehicle, make an arrest, deal with the public, etc., a determination will be made as to what restrictions will apply to the deputy. If it is determined that the deputy's police powers are to be suspended, the *Division Captain* or their designee will complete a MCSO75 Suspension of Police Powers Memorandum. In all cases, the deputy will be notified by their Section Supervisor or designee as to what restrictions apply in their case.

VI. Cancellation

This directive cancels and replaces General *Orders/Personnel Procedure 2.15*, dated *05/01/95*.

AUTHORITY:



Darren M. Popkin, Sheriff

09/18/2015