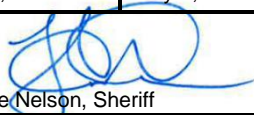




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Injury/Return to Work Procedures and Temporary or Light Duty Assignment</b>	Effective Date: June 28, 2016	Policy Number: <b>3.05</b>	
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Attachments:	 L. Shane Nelson, Sheriff		

## I. PURPOSE

The purpose of this policy is to ensure sworn personnel are able to perform all physical aspects of the job in order to protect the public at large and ensure that sworn members are treated uniformly in returning from absences due to illness or injuries requiring a medical release.

In addition, non-sworn members of the Sheriff's Office must be able to perform all physical aspects of the job at an acceptable level. Non-sworn members must be treated uniformly in returning from absences due to illness or injuries requiring a medical release.

## II. POLICY

It is important to appropriately document those incidents when members are injured or become ill on duty or during work sanctioned events, as well as when they are cleared to return to work.

Due to the nature of law enforcement work, the Sheriff's Office has few temporary limited or modified duty assignments available.

Normally, temporary limited or modified duty assignments are only available for members who have sustained work-related illnesses or injuries or who are temporarily limited due to pregnancy. Members who have sustained work-related injuries or illnesses or who are pregnant will be given priority for such assignments.

If available, temporary limited or modified duty assignments may be allowed for members who sustain non-work-related ("off-duty") injuries or illnesses, subject to the guidelines and conditions set forth in this policy.

## III. DEFINITIONS

*Limited Duty* is an assignment not requiring the performance of the full range of duties associated with a person's job classification.

*Work-related Injury or Illness* means an injury or illness received or contracted while on-duty during the performance of one's official duties.

## IV. WORK-RELATED INJURY AND ILLNESS PROCEDURES

### A. Work-related Injury and Illness Reporting Requirements

1. The member will report the injury immediately to a supervisor, unless incapacitated.

2. If serious injury or death occurs as a result of the incident/accident involving a member of the Sheriff's Office, the Division Commander and the Sheriff shall be notified as soon as possible.
3. Oregon OSHA shall be notified within 8 hours of a work-related fatality. Oregon OSHA shall be notified within 24 hours of a work-related injury that results in an overnight hospital stay. OAR 437-001-0700(21).
4. The employee will complete the Employee section of the Incident/Accident Report and turn it in to his supervisor prior to leaving. If unable to do so, the supervisor will complete the form prior to the end of shift.
5. The supervisor will complete the Supervisor section of the Incident/Accident Report. The Incident/Accident Report will be reviewed and signed by the Division Captain and the Sheriff.
6. The supervisor will provide the employee with a Return to Work form that must be reviewed and signed by the primary care provider before the employee is allowed to return to work.
7. If the injury or illness needs medical attention, the employee will complete an 801 form prior to seeking medical attention. If the employee is not able to complete the 801 form, the supervisor will do so.
8. In the event of an employee's serious injury or death, the supervisor will forward the 801 form to the Division Captain and the Sheriff.
9. The Incident/Accident Report and the 801 form must be submitted to DCSO Human Resources prior to the end of the employee's shift.

**B. Return to Work Procedures**

1. Employees must have the DCSO Injury Return to Work form signed by the primary care provider before returning to work. Employees shall maintain frequent communication with their medical provider and shall schedule appointments as soon as possible.
2. Before an employee can return to work, he is required to submit the DCSO Injury Return to Work form stating work capacity.

**C. Work-related Injuries and Illnesses Duty Assignments**

Assignment of work for employees who have sustained a work-related injury or illness and have been restricted by a physician from performing some or all of the employee's regular job duties is subject to the following:

1. Work will be assigned subject to availability and agency needs. Requests for temporary limited or modified duty assignments will be reviewed by the Sheriff or his designee for approval or denial.
2. The following factors will be taken into account by the Sheriff or his designee when considering a request for a temporary limited or modified duty assignment for work-related injuries or illnesses:
  - a. The employee's restrictions, limitations and ability to perform work;
  - b. The availability of work assignments that comply with any restrictions or limitations of the employee and are within the employee's ability to perform; and
  - c. The operating needs of the Sheriff's Office.
3. Work assignments will take into account the nature of the injury or illness and the employee's ability to perform the work. Assignments will be made in accordance with the restrictions or limitations established by the employee's treating physician.
4. The Sheriff's Office will make every reasonable effort to place employees in positions within the agency but if no suitable position is available within the agency, an employee may be placed in another suitable position, which is available for Deschutes County employees.
5. Employees on temporary limited or modified duty assignments for work-related injuries or illnesses will receive their regular wages and benefits during the period of temporary limited or modified duty.

## **V. OFF-DUTY INJURY AND ILLNESS PROCEDURES**

### **A. Off-Duty Injury and Illness Reporting Requirements**

1. Any Sheriff's Office member that is unable to report for duty or who cannot fully perform his regular work duties due to an injury or illness sustained while off-duty shall notify his immediate supervisor as soon as possible prior to the beginning of the employee's shift.
2. In the event of serious injury or death, the supervisor will immediately notify a captain or the Sheriff.
3. If serious injury or death occurs as a result of the incident/accident involving an employee of the Sheriff's Office, the Division Commander and the Sheriff shall be notified as soon as possible.
4. Upon receiving notification that an employee is injured, the supervisor will provide the employee with a Return to Work form that must be reviewed and signed by the primary care provider before the employee is allowed to return to work.

### **B. Return to Work Procedures**

1. Employees must have the DCSO Injury Return to Work form signed by the doctor before returning to work. Employees shall maintain frequent communication with their medical provider and shall schedule appointments as soon as possible.
2. If the injury, illness, or surgery occurs off-duty, the employee is required to submit the DCSO Injury Return to Work form stating work capacity (Sedentary, Medium, Light, Full Duty).
3. Before an employee can return to work, he is required to submit the DCSO Injury Return to Work Form stating work capacity.

### **C. Off-Duty Injury and Illness Duty Assignments**

Priority for temporary limited or modified duty assignments will be given to employees who sustain work-related injuries or illnesses.

Requests for temporary limited or modified duty assignments by employees who sustain off-duty injuries or illnesses may be made in accordance with the following guidelines and subject to the following conditions:

1. Employees requesting temporary limited or modified duty assignments because of off-duty injuries or illnesses shall submit the request to the employee's supervisor. The supervisor shall submit the request to the Sheriff or his designee for approval or denial.
2. The following factors will be taken into account by the Sheriff or his designee when considering a request for a temporary limited or modified duty assignment for off-duty injuries or illnesses:
  - a. The employee's restrictions, limitations and ability to perform work;
  - b. The availability of work assignments that comply with any restrictions or limitations of the employee's ability to perform; and
  - c. The operating needs of the Sheriff's Office.
3. To permit the placement of an employee who sustained a work-related injury or illness on a temporary limited or modified duty assignment, it may be necessary to remove an employee who sustained an off-duty injury or illness from a temporary limited or modified assignment.
4. If a request for temporary limited or modified duty is denied for an off-duty injury or illness, the requesting employee may, in accordance with the terms of any applicable collective bargaining agreement and Sheriff's Office policy, use accrued and unused leave time for time off due to the injury or illness.

#### **D. Pregnant Deputies**

1. Pregnant deputies are eligible for temporary light duty assignments as available and as appropriate to their physical capabilities and well-being.
2. Upon receiving notification that an employee is pregnant, the supervisor will provide the employee with a Return to Work form that must be reviewed and signed by the primary care provider before the employee is allowed to return to work.
3. On a monthly basis, pregnant deputies shall submit physician's authorization that document:
  - a. The deputy's physical ability to perform the present assigned duties;
  - b. The physician's appraisal that the type of work being performed will not injure the deputy or her expected child; and
  - c. Any recommended duty restrictions or modifications, including temporary light duty.
4. Pregnant deputies shall be permitted to continue working on regular duty or temporary light duty assignments as long as they present monthly physician authorization or until such time as a physician recommends that work be curtailed.

#### **E. General Conditions**

1. Temporary limited or modified duty assignments are limited to a period not to exceed 90 days but may be extended for subsequent periods of up to 90 days subject to review and approval by the Sheriff or his designee.
2. No temporary limited or modified duty assignments will be made that adversely affect or compromise the health or safety of the employee, other employees or members of the public.
3. Upon request by the Sheriff or his designee, employees on temporary limited or modified duty assignments will be required to submit certification or written update of the employee's medical condition from the employee's treating physician for purposes of determining the employee's ability to perform the temporary limited or modified duty assignment and any restrictions or limitations established by the employee's treating physician.
4. If an employee on temporary limited or modified duty receives authorization from the employee's treating physician for the employee to resume full work duties, to assume increased work duties or if the employee's treating physician otherwise changes the employee's work restrictions or limitations, the employee shall immediately notify the employee's supervisor of the authorization or change.
5. If an employee fails to timely notify his or her supervisor of an authorization given by the employee's treating physician to resume or increase work duties or of any change in the employee's work restrictions or limitations, the employee shall be subject to discipline, up to and including termination of employment.
6. All requests for temporary limited or modified duty assignments will be reviewed and considered for approval or denial in accordance with applicable federal and state law including, but not limited to, the Americans with Disabilities Act ("ADA").

Should any provision of this policy conflict with any applicable law the provisions of such law shall apply and any provision of this policy in conflict with applicable law shall be null and void to the extent it conflicts with applicable law.