



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER ADM-50 DUTY STATUS

EFFECTIVE MARCH 5, 2010

This General Order contains the following numbered sections:

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I. POLICY

Howard County Police Department (HCPD) members, in order to fulfill their duties, must be physically and mentally able to perform all of the tasks associated with the required duties of their position.

II. DEFINITIONS

- A. Full-duty status: Exists when an employee is able to fully perform all duties and meet all responsibilities required of the position.
- B. Light duty status: Exists when an employee is unable to fully perform all duties or meet all responsibilities of his position without presenting an unreasonable risk to the health or safety of him, other employees, or the public and has been placed in an available administrative assignment. Further, the reason for incapacitation is determined to be of a temporary nature.
- C. Temporary no-duty status: An employee is unable to report for duty. This exists when an employee is unable to perform the duties and responsibilities of his assignment or that of a light duty assignment. Also pertains to employees utilizing leave pursuant to Family and Medical Leave Act (FMLA).
- D. Disability: An employee is disabled if he has sustained an injury, contracted an illness, or developed a mental or physical problem which causes an impairment in his ability to fully perform the duties and responsibilities of a HCPD employee as determined by medical authority.
- E. Family and Medical Leave Act (FMLA): Refer to the Howard County Employee Manual.

III. PROCEDURES

- A. Any HCPD employee who is subject to a physical or psychological impairment which restricts his ability to carry out his duties 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 HCPD.
- B. The Human Resource Bureau (HRB) Commander will administer the light-duty and no-duty process. The HCPD Personnel Section will be charged with tracking all personnel statuses and administering this process. The HRB Commander will determine no-duty statuses, as well as light-duty statuses and assignments. The Personnel Section will track all light-duty assignments and publish no-duty and light-duty status orders.

IV. ON-DUTY INJURY/WORK RELATED

A. Employee Responsibility

1. The injured employee, when physically able to do so, will be required to complete a Howard County Employee Incident/Injury Report (Form RM-1) Section 1.
2. The injured employee will also complete a HCPD Memorandum (Form 16) detailing how the injury occurred. In the event the injured member is unable to complete the form, their immediate supervisor will complete within a 24-hour period from the time of the injury.
3. If medical attention was required, the injured employee will retain all documents issued by health care professionals and submit a copy with his Form 16.
4. Forward the Form 16 and Form RM-1 to the employee's supervisor. If the employee's immediate supervisor is not available, the officer will forward the information to another supervisor for submission.

B. Supervisor Responsibility

1. Ensure that the injured employee has completed all the required paperwork.
2. Complete Section 2 of Form RM-1.
3. Fax a copy of Form RM-1 and any other reports such as incident reports or accident reports to Risk Management and the Human Resources Bureau no later than twenty-four (24) hours after the incident.
4. Endorse the Memorandum and forward all reports and forms directly to the HRB Commander.
5. If the injury to the employee is of a serious nature, the information will be phoned into Risk Management. The Fax and phone numbers are contained within Form RM-1.

C. If an employee is injured in the line of duty, the utmost priority is his health and the acquisition of competent medical assistance. Under these circumstances the following guidelines shall be adhered to:

1. If the injured employee needs to be transported by emergency medical personnel, the destination will be determined by emergency personnel.
2. If the injured employee suffers minor injuries, if practical, the employee will report to Concentra Medical for treatment. Locally, Concentra accepts patients, Monday through Friday, between the hours of 0730 hrs and 1700 hrs. During non-business hours and during the weekends, the employee will be treated at an emergency room facility. If an injured employee is already at the hospital, he should seek treatment at the emergency room. After hours Concentra facilities are also an option for the treatment of minor injuries. Refer to the Risk Management library on the Howard County Intranet for current after hour locations.
3. Regardless of the manner of transport or location of treatment, the employee must retain and submit any doctor's certificate related to the injury to the HRB Commander. A doctor's certificate, signed by a physician, must be obtained to return to duty, to recommend light duty or to recommend a no-duty status.

4. When employees are registered for treatment of an on-duty injury at a medical facility it is important to provide proper billing information. The following company should be given for all billing information:

The Schaffer Companies, LTD.
9920 Franklin Square Drive, Suite 100
Baltimore, MD 21236 T/P # 410.933.3966

- D. Unless pre-approved as Worker's Compensation, any leave used for an on-duty injury must be recorded as sick leave. A Time Lost Report will be sent to Risk Management for approval and hours approved for compensation will be credited back to the member's sick leave.

V. OFF-DUTY INJURY/MEDICAL CONDITION

- A. When an employee is injured while off duty or is diagnosed with a medical condition that prevents him from working his current assignment he must first notify the Personnel Section of the HCPD.
- B. If an employee is injured during non-business hours and unable to return to full duty, he will notify his supervisor before his next scheduled shift and contact Human Resources on the next business day either by email or phone.
- C. The employee must retain all medical certifications that deal directly with his inability to return to full-duty.
- D. If an employee is able to work a light duty assignment, he will follow Section VI, Application Process.
- E. If an employee is injured during non-business hours and cannot return to full duty, he is not permitted to assume a light duty status until approved by the Human Resources Commander. The employee will be required to use leave until the application process is completed and approved. A Watch Commander may approve a temporary light duty assignment during weekend/Holiday tours if he presents all paperwork outlined in Section VI, B enumerated below.

VI. LIGHT DUTY

- A. General Provisions
 1. Those employees who are physically or psychologically unable to maintain full-duty status may be granted temporary light duty assignments. Light duty assignments are not a right or obligation of Howard County Government.
 2. All light duty assignments will be determined in accordance with the needs of the HCPD and be compatible with the restrictions caused by the injury, illness or condition.
 3. Assignments may be changed at any time if deemed in the best interest of the HCPD.
 4. An employee who refuses a light duty assignment, caused by an on-duty or off-duty injury, will immediately begin to use his own disability leave.
 5. Light duty assignments will always be made by the HRB Commander or his designee.
 6. Employees cannot assume a light duty position until all necessary forms have been submitted and there is a confirmation and an assignment by Human Resources.

B. Application Process

Light duty status requires a process be completed; it is not automatic. The following guidelines must be adhered to in order for a light duty status to be considered. This applies to both on-duty and off-duty circumstances.

1. The requesting officer must complete the HCPD Light Duty Request Form (Form 1128).
2. Attached to the request form will be the medical documentation, signed by a physician, outlining the restrictions and the conditions under which the employee can work.
3. The medical documentation must also include the projected time of the required light duty assignment.
4. The Light Duty Request Form and medical documentation will be submitted to the employee's supervisor and then forwarded directly to the HRB Commander.
5. If a light duty assignment is authorized, the officer will be contacted by the Personnel Section with an assignment that is compatible with the employee's condition.

C. Conditions of Light Duty

1. Officers shall be relieved of their obligation to take official law enforcement action and will receive a personnel order outlining the specific conditions of the light duty status.
2. NOTE: Being relieved of law enforcement responsibility means an officer is not required to take police action, but in his judgment, he may take action. This decision must be made by the officer on a case-by-case basis after considering the risk of further injury to the officer, the potential injury to the victim of the crime and/or bystanders, and the nature of the event.
3. The officer shall not operate a marked police vehicle. The officer may operate an administrative vehicle in a non-emergency manner. A PVSP/SAV/PAV participant may be required to relinquish his car for the period of light duty if it is anticipated that the status will last longer than three weeks.
4. The officer shall not wear the police uniform. Suitable business attire, consistent with ADM-13, Uniform and Professional Appearance, shall be worn unless specifically instructed otherwise, based on the light duty assignment and supervisory instruction.
5. Officers on a light duty assignment shall be prohibited from engaging in secondary employment in which they may reasonably be expected to perform public safety functions.
6. Officers who are on light duty are responsible for court appearances and any subpoenas, summonses, etc. issued by the court. Light duty does not prevent an officer from attending court. All officers will be required to comply with all court summonses.
7. An officer on light duty for an extended period of time will be required to supply bi-monthly medical documentation to support the light duty assignment. This will be supplied to the Commander of the Human Resources Bureau.
8. An officer on light duty is required to notify the Education and Training Division prior to being released to full-duty to ensure any qualification requirements have been met.
9. Officers must still attend their regularly scheduled in-service training while on light duty unless excused by the E&T Commander.

VII. FAMILY AND MEDICAL LEAVE ACT

The FMLA is a federal protection granted to employees. It allows employees to use up to twelve (12) weeks of paid or unpaid leave due to certain conditions. Refer to the County Employee Manual for full details.¹

A. General Provisions

1. Any time an employee is out of work to care for a family member, or out on a non-work related injury or illness for one week or more, HCPD Human Resources is required to send that employee FMLA information.
2. The employee will review the information and determine if he has the need to apply for this leave.
3. If the employee elects to apply for FMLA coverage, the completed information will be forwarded directly to HCPD Human Resources.
4. Employees should contact the Personnel Section or the County Office of Human Resources if they have any questions about the process.
5. An employee who is using FMLA leave is prohibited from working secondary employment and voluntary overtime.
6. The HCPD cannot relieve an officer's obligation to appear in court while on FMLA. The officer is responsible for making appropriate court notification, with the supervisor's assistance if necessary. A court summons is an official order of the Court to report at a given date and time.

B. Anticipated or Planned FMLA

1. When an employee is aware that he may be on extended leave, for any reason, he must contact Human Resources with all relevant information and request the necessary forms.
2. In all cases, the employee will give notice at the earliest possible opportunity.
3. Planned FMLA Leave will be reported to the Personnel Section of the HRB as soon as leave is confirmed.

VIII. TEMPORARY NO-DUTY STATUS

Officers on temporary no-duty status are subject to the following conditions:

- A. If an employee is unable to report for duty due to a physical or mental condition, the officer will be relieved of all law enforcement responsibility. The commanding officer or his designee shall make the appropriate employee status notification to the HRB Commander and Personnel Section Supervisor as soon as possible.
- B. Officers may not wear a HCPD uniform. Business attire will be worn for court appearances.
- C. The officer may not operate any police vehicle. PVSP/SAV and PAV, if applicable, must be relinquished for the no duty status period if it is anticipated that the no duty status will last longer than three (3) weeks.

¹ CALEA 22.2.1e

- D. The officer must report his medical status to the Personnel Section on a weekly basis. The officer is required to have his physician provide the Personnel Section with a projected date of return and monthly updates if needed. An officer on a no-duty status for an extended period of time will be required to supply bi-monthly medical documentation to support the no-duty assignment. This will be supplied to the HRB Commander.
- E. The officer is required to notify the Education and Training Division prior to being released to full-duty to ensure any qualification requirements have been met.
- F. The officer on no-duty status due to disability leave, workers' compensation leave, leave of absence without pay for disabilities, long-term disability, or approved family medical leave may not participate in any secondary employment, overtime, or other compensable activity.
- G. The officer must obey all summonses to appear at any court or administrative hearing or properly notify the court of his inability to attend and be formally excused.

IX. DISABILITY

Should it be determined by a County recognized medical authority that an employee's injury or illness causes a permanent impairment in his ability to fully perform the duties and responsibilities of his position, the following options are available to the disabled employee:

- A. The employee may request a transfer to a regular County position. Placement is dependent upon the availability of a position, ability of the employee to meet the minimum qualifications of the position, and selection from the qualifying register.
- B. In lieu of transferring to regular County service, a disabled employee may apply for disability retirement. Contact the County Office of Human Resources for further direction.

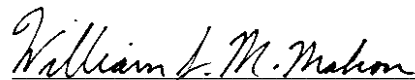
X. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The HCPD is committed to complying with the conditions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996. HIPAA protects an insured person's insurability.

XI. CANCELLATIONS

This General Order cancels Numbered Memorandum 2005-03, Light Duty Assignments dated August 24, 2005.

AUTHORITY:



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Chief of Police