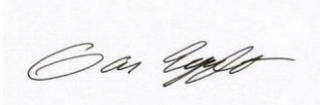




FIRE RESCUE

ALBEMARLE COUNTY

STANDARD ADMINISTRATIVE POLICY

Subject:	Light Duty
Reference Number:	SAP-DEP-043
Effective Date:	04 January 2011
Last Revision Date:	07 January 2015
Signature of Approval:	 J. Dan Eggleston, Chief

Purpose:

The purpose is to establish policy for temporary light duty assignments and the procedures for granting temporary light duty to eligible firefighters and other personnel within the Fire/Rescue Department.

Scope:

Albemarle County Fire Rescue Personnel.

Background:

Temporary light duty assignments, as available and appropriate, may be given to employees in this department who, due to injury, illness, other disability or pregnancy, are temporarily unable to perform their regular assignments. Light duty assignments may be made available due to either job-related or non-job-related injuries or illnesses. Employees with disabilities covered by the Americans with Disabilities Act (“ADA”) may require reasonable accommodations other than, or in addition to, light duty assignments.

Use of temporary light duty can provide eligible employees with an opportunity to remain productive while convalescing, as well as, provide a work option for personnel who may otherwise risk their health or safety, or the safety of others, by remaining on duty when physically or mentally unfit for their regular assignment. Eligible personnel shall be given a reasonable opportunity to work in temporary light duty assignments as appropriate and available.

Definitions:

A. Light Duty

- a. Any assignment that involves less than the full range of normally assigned duties and activities. The assignment may be for full-time or part-time hours.
- b. Typically, this assignment is less stressful and less physically demanding either specifically or generally.
- c. Light duty assignments are not intended for short-term (fewer than three calendar days) injuries, illnesses or conditions. Sick leave, annual leave, and compensatory time should be used for these absences.

B. Light Duty Eligible Personnel

Any regular employee of this department experiencing a medically certified illness, injury or disability requiring treatment of a health care provider or pregnancy (“eligible condition”), and who, because of this eligible condition, is temporarily unable to perform their regular assignment or is temporarily at heightened risk of increased disability, injury or error, but is capable of performing alternative, less physically demanding assignments within the Department.

C. Light Duty Coordinator

Person responsible to the appropriate Deputy Chief for the day-to-day management of personnel while on light duty. Responsibilities include scheduling, project management oversight, and administrative management during light duty status. The employee in the role of Light Duty Coordinator may change from time to time.

Policy:**A. General**

- a. Employees may request a light duty assignment when an eligible condition prohibits them from performing their normal job functions at full capacity. Light duty assignments may be requested for on-the-job or off-the-job injuries, illnesses or conditions.
- b. Light duty requests shall be in writing using the “Request for Light Duty Form” with a “Capability Form” attached and routed from the requesting employee to the Deputy Chief via the employee’s chain of command. The Deputy Chief will be responsible for identifying the appropriate Light Duty Coordinator for the employee while he/she is on light duty.
- c. Under most circumstances, light duty assignments will be granted for a work-related injury once the treating physician indicates that an employee may perform light duty tasks and all appropriate paperwork has been received and approved.
- d. All light duty assignments must meet department needs and may require approval by the department of Human Resources. Case management is the responsibility of the Deputy Chief.
- e. The department will make a determination (approval, denial, defer) on a case-by-case basis, weighing the needs of the department against the capabilities of an affected employee, and on whether or not the needs of the department can be met by assigning light duty status.
- f. The department is under no obligation to provide “busy work” if no valuable work is available.
- g. The number and duration of light duty assignments will be evaluated and considered on a case-by-case basis by the Deputy Chief or his/her designee, and may include discussion with Human Resources.
- h. If there are not enough light duty jobs available, the order of preference shall generally be:
 - i. Work-related illness or injury
 - ii. Pregnancy
 - iii. Non-work-related illness or injury
- i. Upon being medically released to full duty, light duty personnel will immediately notify the Light Duty Coordinator and submit a completed “Capability Form” to the Light Duty

Coordinator. The Deputy Chief may extend the light duty status of an employee at his/her discretion. The employee is responsible for providing weekly updates (or some other regularly agreed upon time interval) from his/her physician and for scheduling and attending the required appointments for medical evaluation and treatment. These updates should be sent to the Light Duty Coordinator on the "Capability Form."

- j. Approval of a physician is required to return to full duty. This return must be documented on the "Capability Form."
 - k. At the discretion of the Fire Chief, in consultation with County Human Resources, a full medical physical and/or physical ability test may be required prior to returning to full duty. The County may also seek a second medical opinion as to the "fitness for duty" of the employee; these expenses would be incurred by the County.
 - l. The Light Duty Coordinator shall be notified of case-management issues as updates are provided to the appropriate Deputy Chief, such as from the employee, the doctor or Human Resources.
 - m. All requirements of the Family Medical Leave Act ("FMLA") will be followed as per County Policy #P-90. Thus, if the employee is eligible and approved for FMLA, any hours not worked while on light duty, including time off for doctor visits will be designated as FMLA leave and count towards their FMLA threshold. An employee can attend training, including continuing education classes or recertification courses, when training can be attended within the guidelines of the written restrictions provided by the employee's physician. The employee is responsible for keeping the Light Duty Coordinator informed of any training approved by the Deputy Chief. An employee will keep up with the required training/continuing education that is possible based on Light Duty requirements.
 - n. In order to maintain physical conditioning, LEOS employees will be permitted to perform physical training, if approved by their treating physician, up to 5 hours weekly while on light duty. Schedule arrangements must be made with the assigned Light Duty Coordinator.
 - o. At no time shall a Light Duty employee place him/herself in a situation where it may be necessary to perform their regular job as if in regular capacity.
 - p. An employee in management shall have the duties of Light Duty Coordinator to coordinate the day-to-day assignments of personnel to light duty jobs. The Light Duty Coordinator shall have procedures established with regards to:
 - i. Schedule and time sheet
 - ii. Appropriate clothing
 - iii. Regular medical status reports to the Deputy Chief
 - iv. Return to work procedures
 - q. Leave accrual –The Deputy Chief shall use his/her discretion to transition light duty employees to 2080 annual hours in the payroll system to correspond to the 40-hour work schedule, usually depending on the anticipated length of time on light duty. Leave accruals will then reflect the 40-hour work schedule.
- B. Pregnancy
- a. Firefighters are encouraged to consult with their personal physicians concerning maternity safety while performing firefighter functions. Light duty assignments may be appropriate for pregnant employees in order to reduce the risk of injury to the

employee and unborn child. Employees are encouraged to consult with their physicians to determine whether a light duty assignment should be considered.

- b. Light duty assignments for pregnancy may be granted for periods both before and after the birth of the child, including lactation, under doctor's orders.
 - c. An employee may be assigned to light duty in accordance with section A above when:
 - i. The employee makes the request due to pregnancy or lactation; or
 - ii. The employee is no longer capable of safely and competently performing all assigned emergency response duties.
 - d. No employee will be discriminated against on the basis of pregnancy, childbirth, or related conditions, including an employee on probationary status.
- C. Return to Work Process
- a. The employee provides the Deputy Chief a completed "Capability Form" signed by the treating physician.
 - b. The Deputy Chief reviews the documentation and ensures that additional medical examination and/or physical ability testing is not warranted.
 - c. If additional medical or physical ability testing is not warranted, the Deputy Chief will notify the Light Duty Coordinator, the respective supervisor, and HR if appropriate, that the employee has been cleared for full duty. The Deputy Chief shall ensure that documentation is submitted to payroll to change the employee's leave and hour's status if it was previously modified due to light duty.
 - d. Regardless of the length of time of the light duty, the department reserves the right to require a physical agility test and/or skills assessment. It is likely that if the light duty exceeds six months some sort of testing may be required. In addition, if the employee is required to undergo testing, he/she may be placed in non-minimum staffing for a period of time.
 - e. Supervisors must not allow employees to return to work until they have received official notification from the Deputy Chief or his/her designee.
 - f. A copy of all related forms and paperwork will be forwarded to County HR for inclusion in the employee's personnel and/or confidential medical file.

D. Light Duty Limitations

- a. Most physicians believe a transition back to pre-injury work status is important through modified or light duty programs. Light duty opportunities give the department the ability to ease personnel back into their work routine and maintain an experienced workforce that may otherwise be forced to leave employment prematurely. While light duty programs are proven to increase the employee's morale and loyalty to the department, and their own internal sense of self worth, limitations must be identified and conveyed to all personnel.

In extenuating cases and situations, employees may find that they are unable to physically or mentally return to full duty status.

The maximum length of time on light duty for any one eligible condition is one year. At a minimum, the case shall be referred to Human Resources at 6 months to review options.

- b. When this occurs, the following options may need to be considered:

- a. Seek placement in an alternative position within the County provided the employee applies, is qualified, and is selected for the position,
- b. Seek a medical retirement under VRS rules,
- c. Resign their position,
- d. Involuntary separation.

These options will be considered on a case-by-case basis depending on medical complexity and long and short-term medical prognosis. Decisions will be made under the auspices of the Fire Chief, County Attorney's Offices and the Human Resources Department.

The Light Duty Request Form and Light Duty Capability Form are found on the Fire Rescue SharePoint site. Please check with your Deputy Chief and/or the Light Duty Coordinator if you are unable to locate them.