



General Order 22.3 - Conditions Of Work

PURPOSE: Define physical examinations encouraged; define physical exams paid by department; describe general health and physical fitness; define types of off-duty employment; and describe off-duty employment procedures.

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REVIEWED BY: Standard Review Committee

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22.3.1 PHYSICAL EXAMINATIONS ENCOURAGED

- A. While not required, periodic physical examinations are encouraged for employees by their family physicians.
- B. Periodic examinations are beneficial so as to identify a health problem in its infancy.
 - 1. Counseling is also available from most physicians on what constitutes a healthy lifestyle.
- C. As the department reviews physical fitness and the physical agility of applicants prior to employment, the department encourages employees to maintain their physical health, in part by annual physical examinations.
 - 1. Physical fitness is an occupational qualification for employment for classified personnel.

22.3.2 PHYSICAL AND PSYCHOLOGICAL EXAMS

- A. Psychological examinations are paid for by the department when required. Psychological testing given to prospective candidates for sworn and non-sworn personnel is paid for by the sheriff's office. Physical examinations, however, must be paid for by the prospective candidates.
- B. The sheriff reserves the right to order a physical examination or psychological examination when he/she determines that a medical inquiry or medical examination of an employee is "job related and consistent with business necessity". Generally, this may occur when he/she has a reasonable belief, based on objective evidence, that: (1) an employee's ability to perform essential job functions will be impaired by a medical condition; or (2) an employee will pose a direct threat due to a medical condition. Such examinations shall be paid for by the Sheriff's Office. The employee may choose a physician or psychologist of his/her own choosing for a second opinion at their own expense, but the sheriff has the right to order and pay for additional tests to confirm the information provided by the employee's physician or psychologist.

22.3.3 GENERAL HEALTH AND PHYSICAL FITNESS

- A. Personnel are expected to maintain a level of physical fitness adequate to perform their essential job functions.
- B. An adequate level of physical fitness is demonstrated by personnel being able to perform their essential job functions efficiently and avoid the use of excessive sick leave.

22.3.4 ESTABLISHING TEMPORARY WORKPLACE ACCOMMODATIONS

- A. General provisions.
 - 1. Any employee who through illness, injury, or medical condition cannot perform all the essential job functions of a deputy is eligible for consideration for reasonable temporary workplace accommodations.
 - 2. The employee must submit written instructions from a recognized health care provider detailing any work related limitations or restrictions. The appropriate division form will be used in the event this is not a worker's compensation injury. If the condition is the result of an on the job injury, a Risk Management form will be used.
 - a. Restrictions from specific duty assignments/locations listed by a physician will not be accepted. It may be necessary for a lieutenant to contact the authorized health care provider in order to clarify the information submitted on the appropriate division form in order to assist in the determination of what type of work activities the deputy/employee can or cannot perform before they can meet with the employee.
 - 3. The employee and the watch lieutenant(s) will meet to discuss what reasonable accommodations may be authorized. This procedure is intended to be an interactive process, with the involvement of the employee requesting the accommodation.
- B. Establishing temporary workplace accommodations.

1. When an employee turns in medical work restrictions, their lieutenant(s) will meet with the deputy/employee and discuss the situation. The purpose of this meeting is to determine what reasonable temporary accommodations can be made.
 - a. During this meeting, it will be determined whether reasonable accommodations may enable the employee to perform his/her essential job functions
 - b. If it is determined that the employee is unable to perform the essential job functions, with or without reasonable accommodations, the Sheriff's Office may offer temporary light duty work as an alternative to leave. Temporary light duty work is defined as work in which an employee does not perform all essential functions of the job. The Sheriff's Office does not have any permanent light duty positions.
 - c. If the medical work restrictions require accommodations beyond the authority of the lieutenant(s) to authorize, the lieutenant(s) is/are to brief a division commander before meeting with the deputy/employee. Examples include working less than the regular duty assignments, or working different hours.
2. The lieutenant(s) will make a determination as to the appropriate and reasonable workplace accommodations.
 - a. If the employee disagrees with the lieutenant(s) decision, a division commander will be contacted to review the situation and if possible resolve any differences.
3. The lieutenant(s) will prepare a written report to the appropriate division commander as to what reasonable workplace accommodations they have established. This report will include an end or review date for the temporary accommodation, a listing of the duty assignments/locations to which the employee remains eligible for temporary assignment and any other accommodations that have been established.
4. The division commander, upon receiving this report will determine whether the accommodations established by the lieutenant(s) are consistent with bureau operations. Copies of the report will be placed in the employees divisional folder and one sent to the Human Resource Department.
5. If the temporary workplace accommodations last for more than 90 days, the division commander will review the history of medical restrictions in an attempt to determine a probable time frame to return to full duty.
 - a. This review may include, but not be limited to, a discussion with the employee, discussion with the physician, and/or further documentation from the physician.
6. **(R)** If the temporary workplace accommodations last for an additional 90 days (180 days total), there has been no established date for return, and the employee has not returned to full duty, the employee will be contacted to discuss and review

the status of the work related limitations and medical restrictions. The employee will be notified that the accommodations cannot continue to be made as the Sheriff's Office does not have permanent "light duty positions". The employee will be directed to contact the county ADA coordinator in order to determine if he/she may be qualified for other job placements within the county that will fit the medical limitations.

7. **(R)** If the employee is not qualified for, or does not accept other job placement within the county, an Employee Status Hearing may be held in order to review the situation.
 8. **(R)** If at any time a work restriction that prevents an employee from performing his/her essential job functions with or without reasonable accommodation is deemed permanent by the physician, the employee will be directed to contact the county ADA coordinator in order to determine if he/she may be qualified for other job placements within the county that will fit the permanent medical limitations as described in paragraph 6 above.
- C. **(R)** The provisions of this policy are intended to comply with the requirements of the Americans with Disabilities Act (ADA).

22.3.5 TYPES OF OFF-DUTY EMPLOYMENT

- A. **(R)** Employees shall not engage in any employment or business involving bail bond agencies, private investigators, insurance company investigators, collection agencies, attorneys, or licensed private security companies.
- B. Any off-duty employment that, in the opinion of the sheriff, would constitute a conflict of interest or would tend to bring discredit to the department is prohibited.

22.3.6 OFF-DUTY EMPLOYMENT PROCEDURES

- A. The Patrol Division commander is responsible for monitoring part-time employment. The commander shall:
 1. Oversee adherence to departmental policies dealing with part-time employment.
 2. Maintain custody of the part-time job book as specified in part I of this section.
- B. Prior to accepting a part-time job, an employee must receive authorization from the Patrol Division commander.
 1. The Patrol Division commander will only authorize off-duty employment that conforms with [section 22.3.5](#) and that adheres to these policies:
 - a. The off-duty work schedule does not conflict with the employee's normal work schedule.
 - b. Departmental recall and business takes priority over off-duty employment obligations.

2. The Patrol Division commander will be responsible for reviewing the specifics of a part-time job to ensure that the job conforms with departmental rules and regulations and policies and procedures.
- C. Authorization of a part-time job may be revoked by any deputy of the rank of lieutenant or higher upon determining that the part-time employment does not meet departmental criteria for part-time employment.
 - D. The authority of deputies working on their off-duty time is limited to the same authority as that of on-duty deputies. Deputies employed in any capacity relating to their status as a commissioned deputy sheriff may not enforce the rules of an employer or business that conflict with state law.
 - E. Deputies working off-duty in uniform shall not perform any activity that will be disrespectful, belittling, or degrading to the deputies, the uniform, or the department, or that would constitute a violation of rules and regulations.
 - F. Deputies working off-duty in uniform will be fully and properly attired according to department regulations.
 - G. Employees of the department shall not work at any outside or extra-duty employment during the same duty hours that they failed to report due to illness or injury.
 - H. No commissioned deputy of the Sedgwick County Sheriff's Office shall perform any law enforcement-related, off-duty work while on light-duty status.
 - I. A book shall be maintained in the road patrol office that will document:
 1. Details of each employee's extra-duty employment (i.e., location, hours of employment, number of deputies involved, etc.).
 2. Available part-time jobs (to include rate of pay).
 - J. Whenever a part-time job has been authorized, the employee shall supply the information specified in part I to the Patrol Division.
 - K. Employees seeking part-time employment are directed to the Patrol Division to view the part-time job book or the on-line job notices.
 - L. Deputies working a part-time job are not considered employees of the department for purposes of civil liability or workers compensation benefits while performing services for the part-time employer. If a deputy is injured during off-duty employment, he/she is not eligible for worker's compensation benefits through Sedgwick County. Further, such deputies will not be subject to indemnification by Sedgwick County or the sheriff for any civil liability that arises as a result of actions taken while so employed.
 - M. To establish consistency, the following guidelines should be applied by commissioned deputies when initiating cases while working part-time (off duty) security jobs:
 1. In all cases, deputies should take reasonable steps to aid the injured, keep the peace, prevent escalation of incidents, secure evidence, and other measures consistent with legitimate law enforcement actions.

2. Incidents resulting in great bodily harm (assaults, accidents, etc.) should be worked by on-duty officers from the agency having primary jurisdiction at the location.
3. Any assault of an off-duty deputy during part time employment should be worked as a sheriff's case.
4. Cases in which the off-duty deputy plays a significant or material role should be worked by that deputy as a sheriff's case. Examples of this are observing and arresting a shoplifter, breaking up a fight and the victim wishing to make a report, etc.
5. Cases in which the off-duty deputy has minimal involvement should be referred to on-duty officers from the agency having primary jurisdiction at the location. Examples of this are a merchant reporting receiving a bad check, a victim reporting their car being broken into while attending a concert, a vehicle accident in a parking lot, and other similar crimes not witnessed by the deputy.
6. If a question arises as to what agency will be responsible for a case, or whether the off-duty or on-duty sheriff's personnel should work a case, the following will apply:
 - a. If the incident is clearly in the county's primary jurisdiction, the ranking supervisor (working off-duty or on-duty) shall determine which personnel will work the case.
 - b. If the incident is in the primary jurisdiction of another agency, the ranking supervisor working the off-duty job will determine which agency should work the case. If no supervisor is working the off-duty job, a patrol supervisor should be contacted to make a determination