**Prior to implementation of this policy, departments should consult with their legal counsel and human resource personnel, to determine its applicability and feasibility. Legal counsel with experience in employment law is recommended to help determine best practices for your organization. This SAMPLE policy may serve as a guide or template and may be revised, edited, or otherwise adapted as needed.**

**SAMPLE POLICE DEPARTMENT**

**Fitness for Duty**

NOTE: This document is for internal use only. It does not establish a legal duty or standard of care for civil liability or enlarge an employee’s civil or criminal liability in any way. A violation of this policy may only form the basis for internal discipline by this agency and then only in a non-judicial administrative setting.

1. **PURPOSE AND SCOPE**

All officers are expected to be physically, emotionally, and mentally fit for duty. The purpose of this policy is to strive for all employees of this department to remain fit and able to conduct their law enforcement duties and responsibilities in a safe, productive, and effective manner.

1. **POLICY**

The SAMPLE Police Department strives to provide a safe and productive work environment in which all employees of this department can safely and effectively perform the essential functions of their jobs with or without accommodation. Under limited circumstances, the department may require a professional evaluation of an employee’s physical and/or mental capabilities to determine their fitness for duty. This policy establishes employee responsibilities, supervisor responsibilities, and guidelines for duty status and fitness-for-duty evaluations.

1. **PROCEDURE**
2. Employee Responsibilities
3. It is the responsibility of each department employee to be physically, emotionally, and mentally fit sufficient to perform the essential duties of their job description safely and effectively.
4. During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
5. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor.
6. Any employee who is taking medication or undergoing medical treatment that may impact their ability to perform the essential functions of their job shall notify a supervisor prior to working.
7. If an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.
8. Supervisor Responsibilities
9. All supervisors should be alert to any indication that an employee may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition. Such indications may include:
10. An abrupt and negative change in the employee’s normal behavior.
11. A pattern of irrational conduct, hostility, or oppositional behavior.
12. Personal expressions of instability.
13. Inappropriate use of alcohol or other substances, including prescribed medication.
14. A pattern of questionable judgment, impulsive behavior, or the inability to manage emotions.
15. Any other factor or combination of factors causing a supervisor to believe the employee may be suffering from an impairment or condition requiring intervention.
16. A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to perform his/her duties safely or effectively shall promptly document all objective information and/or observations.
17. The supervisor should attempt to meet with the employee to inquire about the conduct or behavior giving rise to the concerns.
18. The supervisor shall document his/her observations and discussion resulting from the meeting and contact the Division Commander *(or list other designated personnel here)*.
19. Supervisors shall maintain the confidentiality of any information consistent with this policy.
20. Duty Status
21. In conjunction with the employee’s chain of command, a preliminary determination regarding the employee’s duty status should be made.
22. If a determination is made that the employee can safely and effectively perform the essential functions of his/her job with or without accommodation, the employee should be returned to duty and arrangements made for appropriate follow-up as needed.
23. If a preliminary determination is made that the employee’s conduct or behavior represents an inability to perform the essential functions of his/her job with or without accommodation, safely and effectively, the Division Commander *(or list other designated personnel here)* should immediately relieve the employee of duty pending further evaluation.
24. The Chief of Police shall be promptly notified if any employee is relieved of duty.
25. Any employee relieved of duty shall consult with Human Resources *(or list other designated personnel here)* and comply with the applicable personnel rules and guidelines regarding leave or related provisions.
	1. Any employee suffering from a non-work-related condition which results in a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.
	2. Any employee suffering from a work-related condition which results in a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.
	3. Any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily relieved from regularly assigned duties and/or placed on paid administrative leave until such time as the following may be completed:
26. A preliminary determination that the employee's conduct appears to be in compliance with policy, and
27. The employee has received the necessary counseling and/or psychological clearance to return to full duty.
28. Fitness-For-Duty Evaluations
29. The department has the right to require a medical examination (physical and/or psychological) provided the examination is related to and consistent with the essential functions of the job.

*(A comprehensive job description must be in place to determine if an employee can perform the essential functions of the job with or without accommodation.)*

1. The department may require an employee to undergo a fitness-for-duty medical examination whenever circumstances reasonably indicate that the employee may not be able to effectively perform the essential functions of their job, or the employee may pose a risk to the safety of him/herself or others.
	1. A written order issued by the Chief of Police or his/her designee, in cooperation with Human Resources, indicating the date, time and place for the examination shall be provided to the employee.
2. The scope of the examination shall be confined to the physical and/or psychological condition that prompted the need for the examination.
3. In order to facilitate the examination of any employee, the department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
4. The examining health care provider will provide the department with a report as to whether the employee is able to perform the essential functions of the job in a safe, productive, and effective manner, any recommendations that may enable the employee to perform his/her job, and any conditions for return to work.
5. Any employee ordered to receive a fitness-for-duty medical examination shall comply with the terms of the order and cooperate fully with the examining health care provider regarding any clinical interview, administered test, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining health care provider may be deemed insubordination and may be subject to discipline up to and including termination.
6. Pending the results of the examination, the employee may be relieved of certain duties, assigned different duties, or relieved from duty under appropriate leave status in accordance with applicable personnel rules and guidelines.
7. If an employee has been deemed fit-for-duty by the examining health care provider, the Chief of Police or his/her designee will notify the employee of the results and when to resume their duties. If the health care provider finds the employee cannot perform the essential functions of their job with or without accommodation, the department and Human Resources *(or list other designated personnel here)* will engage in an interactive process with the employee in compliance with applicable laws to determine if and/or when the employee may return to work.
	* 1. Determinations regarding duty status of employees who are found to fit for duty with or without accommodation will be made in cooperation with Human Resources *(or list other designated personnel here)*.
8. All medical records and evaluations, including Fit for Duty examinations, shall be maintained in a confidential medical file, separate from personnel files, in a secured location with access limited to designated personnel.
9. Limitation On Hours Worked *(listed limitations may vary dependent upon department, circumstances, or other factors, and should be amended accordingly)*
	1. In an effort to assist employees with maintaining health and well-being, employees should not work an amount of time that interferes with or hinders their ability to satisfactorily perform their duties with the department.
	2. Except in an emergency or under exigent circumstances and with the approval of the Chief of Police, an employee should not work more than eighteen (18) hours in a twenty-four (24) hour period.
	3. Except in very limited circumstances employees should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you from the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*