

Fitness for Duty

728.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition that might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure all officers of this Department remain fit for duty and able to perform their job functions. (Gov. Code § 1031.)

728.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each sworn employee of this Department to maintain good physical condition sufficient to safely and properly perform the essential duties of their position.
- (b) Each sworn employee of this Department shall be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer..
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his or her assigned responsibilities.
- (d) Any sworn employee who feels unable to perform his or her duties shall notify a Supervisor promptly. In the event an employee believes another employee is unable to perform his or her duties, such observations and/or belief shall be reported promptly to a Supervisor.

728.3 SUPERVISOR RESPONSIBILITIES

- (a) A Supervisor observing an employee who is, or receiving a report of an employee who is perceived to be, unable to perform safely his or her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) A preliminary evaluation should be made in an effort to determine the level of inability, if any, of the employee to perform his or her duties.
- (c) In the event the employee appears to be in need of immediate medical or mental health treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with Management , a determination should be made whether or not the employee should be temporarily relieved from his or her duties.
- (e) The Chief Probation Officer shall be notified promptly in the event that any employee is relieved from duty.

728.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants 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 a reasonable rest period.

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728.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Supervisor and with the concurrence of Management any employee whose actions or use of force in an official capacity result in death or serious injury to another may be removed temporarily from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

728.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate an employee is unfit for duty, the Chief Probation Officer may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination. However, the employee will not be required to waive any limitations on the disclosure of such information that are otherwise imposed by law.
- (c) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations limit the employee's ability to perform job duties. (Civ. Code § 56.10 (c)(8) (A).) If the employee places his or her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding. (Civ. Code § 56.10(c)(8)(B).)
- (d) 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.
- (e) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical personnel file
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his or her duties.

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728.7 LIMITATION ON HOURS WORKED

Absent emergency situations, employees should not work more than

- 16 hours in one (24 hour) period. 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.

728.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy and the Public Safety Officers Procedural Bill of Rights Act. (Gov. Code §§ 3300 et. seq.)