Fitness for Duty

1016.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental conditions that may adversely affect the exercise of their peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1016.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the essential duties of their position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event an employee believes another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) If feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
(c) In the event the supervisor believes the employee needs immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) In conjunction with the Watch Commander or employee’s available Bureau Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event an employee is relieved from duty and the reason(s) why such a determination was made.
1016.4 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 other reasonable rest period.

1016.5 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 Watch Commander or immediate supervisor and concurrence
of a Bureau Commander, any employee whose actions or use of force in an official capacity result
in death or serious injury to another may be temporarily removed 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.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) When circumstances reasonably indicate that an employee is unfit for duty, the
Chief of Police may serve that employee with a written order to undergo a physical
and/or psychological examination in cooperation with Human Resources Division to
determine the level of the employee’s fitness for duty. The order shall indicate the
date, time and place for the examination.

(b) 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 that limit the employee’s ability to perform their job duties. If the employee
places his/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 (Civil Code § 56.10(c)(8)).

(c) 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.

(d) All reports and evaluations submitted by the treating physician or therapist shall be
part of the employee’s confidential personnel file.

(e) 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.
Failure to comply with such an order and failure to cooperate with the examining
physician or therapist may be deemed insubordination and shall be subject to
discipline up to and including termination.
(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified when they are to resume his/her duties.

1016.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances, members 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 member 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.

1016.8 APPEALS
An employee who is separated from paid employment or who 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.