

Fitness for Duty

1116.1 PURPOSE AND SCOPE

Best Practice MODIFIED

All officers are required to be free from any physical, or mental health condition that might adversely affect the exercise of peace officer duties. 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.

1116.2 EMPLOYEE RESPONSIBILITIES

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- (a) It shall be the responsibility of each employee to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each employee shall perform assigned job duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing assigned duties.
- (d) Any employee who feels unable to perform assigned job duties shall promptly notify a supervisor. In the event that 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.

1116.3 SUPERVISOR RESPONSIBILITIES

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- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform assigned job duties due to a medical, emotional or mental health condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the perceived medical, emotional or mental health condition, to determine the level of inability of the employee to perform assigned job duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the employee's supervisor or available Division Commander, a determination should be made whether the employee should be temporarily relieved from assigned job duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1116.4 NON-WORK RELATED CONDITIONS

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Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick/employee leave in order to obtain medical treatment or other reasonable rest period.

1116.5 WORK RELATED CONDITIONS

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Any employee suffering from a work-related condition that warrants a temporary relief from duty may be temporarily placed on paid administrative leave or modified duty in order to obtain medical treatment or other reasonable rest period.

Any employee suffering from a work-related condition that warrants a temporary relief from duty will be required to comply with all policies, rules and guidelines for processing such claims.

1116.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

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1116.6.1 PHYSICAL EXAMINATIONS

- (a) Whenever 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 examination in cooperation with the Human Resources Department to determine the level of the employee's physical fitness for duty.
- (b) The examining physician will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places the employees' physical condition at issue in any subsequent or related administrative action or grievance, the examining physician may be required to disclose any and all information that is relevant to such proceeding.
- (c) 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) 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 regarding any clinical examination, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician may be deemed insubordination and may subject the employee to discipline up to and including termination.
- (e) When an employee has been cleared for duty by the examining physician, the employee will be notified to return to assigned duties. Prior to returning to duty, all certifications, training, and qualifications must be up to date.
- (f) All reports and evaluations submitted by the treating physician shall be part of the employee's private medical file.

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- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician or other health care provider that will be taken into consideration.

1116.6.2 Psychological Examinations

- (a) An employee may be subject to the procedures set forth in this section 1116.6.2 under either of the following circumstances:
 - 1. Whenever the employee applies to PERA for a duty disability benefit based on a psychological condition; or
 - 2. Whenever circumstances reasonably indicate that an employee is unfit for duty due to a psychological condition, the Chief of Police may serve that employee with a written order to undergo a psychological examination in cooperation with the Human Resources Department to determine the level of the employee's psychological fitness for duty. An employee may also request such an examination voluntarily, even without an application to PERA.
- (b) Upon the PERA application or written order served pursuant to Section 1116.6.2(a) (2) above, the employee shall submit to a psychological examination to determine fitness for duty. 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. Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining mental health professional regarding any clinical examination, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining mental health professional may be deemed insubordination and may subject the employee to discipline up to and including termination.
- (c) Upon completion of the psychological examination, the examining mental health professional will provide the Department with a report indicating whether the employee is fit for duty. If the examining mental health professional determines that the employee is not fit for full duty, the examining mental health professional may list any functional limitations that limit the employee's ability to perform job duties. If the employee places the employee's psychological condition at issue in any subsequent or related administrative action or grievance, the mental health professional may be required to disclose any and all information that is relevant to such proceeding.
- (d) Modified Duty.
 - 1. If the employee's mental health professional determines that the employee is not fit for full duty, but is fit for modified duty, with approval from the mental health professional and the Department, the employee may resume such modified duty during the time that the employee is receiving psychological treatment.
 - 2. The employee may return to full duty when psychological treatment is complete when the Department receives a report from the employee's treating mental health professional that the employee is cleared to return to full duty.
 - 3. Following the receipt of such a report from the employee's mental health professional, prior to returning to full duty, the employee may still be required to

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submit to a fitness for duty exam by an independent mental health professional at the request of the Department. When requested, the examination must be completed within six weeks of receipt of the report, and a report of the fitness for duty examination must be completed within six weeks of the examination. The employee and the City may agree to modify these time limits to allow for more time.

- (e) Full Duty Disability. If an employee is receiving a duty disability for a psychological condition, the employee may be required to submit to a fitness for duty exam at the request of the Department prior to returning to full duty. Such a request may be made by the Chief of Police upon receipt of a report from a treating mental health professional that the employee is cleared to return to full capacity. The requested fitness for duty examination must be completed within six weeks of the report, and a report of the fitness for duty examination must be completed within six weeks of the examination. The employee and the City may agree to modify these time limits to allow for more time
- (f) If an employee is deemed unfit for duty following the examination requested by the Department, the employee is presumed eligible for a duty disability (if other requirements are met), or the employee may appeal the determination pursuant to Section 1116.8 of this policy and Minnesota Statutes.
- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from the employee's personal physician or other health care provider that will be taken into consideration.
- (h) Once an employee has been deemed fit for duty by the examining mental health professional, the employee will be notified to resume their duties. Prior to returning to full capacity, all certifications, training, and qualifications must be up to date.
- (i) All reports and evaluations submitted by the mental health professional shall be part of the employee's private medical file.

1116.7 LIMITATION ON HOURS WORKED

Best Practice **MODIFIED**

Absent emergency operations employees should not work more than:

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

Except in very limited circumstances employees should have a minimum of eight hours off between shifts. An employee should advise their supervisor if they exceed the limits.

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, special events, contract work, general overtime and any other work assignments.

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1116.8 APPEALS

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For cases involving applications to PERA for duty disability benefits based on a psychological condition, the statutory procedure will apply. In other instances, employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievance Procedure Policy or the applicable collective bargaining agreement.