

Fitness for Duty

1032.1 PURPOSE AND SCOPE

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

1032.2 MEMBER RESPONSIBILITIES

1. It shall be the responsibility of each Member of this Department to safely and properly perform the essential duties of his/her position.
2. Each Member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
3. During working hours, all Members are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
4. Any Member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a Member believes that another Member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

1. A supervisor observing a Member, or receiving a report of a Member who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall make a written report of his/her observations and all information regarding the Member's inability to perform the essential duties of their position and take prompt and appropriate action in an effort to resolve the situation. Whenever feasible, the supervisor should make a preliminary evaluation in an effort to determine the level of inability of the Member to perform his/her duties.
2. In the event the Member appears to be in need of immediate medical or psychological treatment, all reasonable efforts should be made to provide such care.
3. In conjunction with the Watch Commander, Department Commander or Member's Commander, a determination should be made whether or not the Member should be temporarily relieved from his/her duties.
4. The Sheriff and the Professional Standards Division Commander, shall be promptly notified in the event that any Member is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS

Any Member 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 any necessary rest.

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1032.5 WORK RELATED CONDITIONS

Any Member suffering from a work-related condition which 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, Department Commander or unit supervisor and concurrence of a Commander, any Member 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.

1. For the well-being of the Member, the leave may include sufficient time to ensure he or she has had the opportunity to receive any necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

1. Whenever circumstances reasonably indicate that a Member may be unfit for duty and may not be able to perform the essential functions of his or her position, the Sheriff may serve that Member with a written order to undergo a physical and/or psychological examination in cooperation with the Professional Standards Division to determine the level of the Member's fitness for duty.
2. If the Member places his/her condition at issue in any subsequent or related administrative action, grievance, or civil action, the examining physician or therapist may be required to disclose any and all information which is relevant to such a proceeding. (Civil Code § 56.10(c)(8)(A)). The examining physician or therapist will provide the Department with a report indicating that the Member is either fit for duty or, if not, listing any functional limitations which limit the Member's ability to perform job duties (Civil Code § 56.10 (c)(8)(B)).
3. In order to facilitate the examination of any Member, the Department shall provide all appropriate documents and available information to the examining physician or therapist to assist in the evaluation and/or treatment.
4. All reports and evaluations submitted by the treating physician or therapist shall be part of the Member's confidential file and kept separate from the Member's personnel file.
5. Any Member 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 or any failure to cooperate with the examining physician or therapist regarding any clinical interview, tests administered or other procedure may be deemed insubordination and shall be subject to discipline, up to and including termination.
6. Once a Member has been deemed fit for duty by the examining physician or therapist, the Member may be notified to resume his/her duties.