

Fitness for Duty

1011.1 PURPOSE AND SCOPE

Monitoring sworn members' fitness for duty is essential for the safety and welfare of the sworn members of the Department and the community. The purpose of this policy is to ensure that all sworn members of this department remain fit for duty and able to perform their job functions.

1011.2 POLICY

The Washington Suburban Sanitary Commission Police Department strives to provide a safe and productive work environment and ensure that all sworn members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a sworn member's physical and/or mental capabilities to determine his/her ability to perform essential functions.

1011.3 MEMBER RESPONSIBILITIES

It is the responsibility of each sworn member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all sworn members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any sworn member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department sworn member is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1011.4 SUPERVISOR RESPONSIBILITIES

All supervisors should be alert to any indication that a sworn member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include:

- (a) An abrupt and negative change in the sworn member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Any other factor or combination of factors causing a supervisor to believe the sworn member may be suffering from an impairment or condition requiring intervention.

Supervisors shall maintain the confidentiality of any information consistent with this policy.

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1011.4.1 REPORTING

A supervisor observing a sworn member, or receiving a report of a sworn member who is perceived to be unable to safely or effectively perform his/her duties shall promptly document all objective information and/or observations.

The supervisor should attempt to meet with the sworn member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or does not take place, the supervisor shall promptly document his/her observations and actions in a written report and inform the Office of the Chief of Police or designee.

1011.4.2 DUTY STATUS

In conjunction with the Patrol Commander or the sworn member's Commander, the supervisor should make a preliminary determination regarding the sworn member's duty status.

If a determination is made that the sworn member can safely and effectively perform the essential functions of his/her job, the sworn member should be returned to duty and arrangements for appropriate follow-up made.

If a preliminary determination is made that the sworn member's conduct or behavior represents an inability to safely and effectively perform the essential functions of his/her job, the Patrol Commander or the sworn member's Commander should immediately relieve the sworn member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy.

The Chief of Police shall be promptly notified in the event that any sworn member is relieved of duty.

1011.5 FITNESS-FOR-DUTY EVALUATIONS

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a sworn member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

1011.5.1 PROCESS

The Chief of Police, in cooperation with the Human Resource Office, may order the sworn member to undergo a fitness-for-duty evaluation.

The examining practitioner will provide the Department with a report indicating whether the sworn member is fit for duty. If the sworn member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any sworn member, the Department will provide all appropriate documents and available information.

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All reports and evaluations submitted by the examining practitioner shall be part of the sworn member's confidential medical file.

Any sworn member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the sworn member to discipline, up to and including termination.

Determinations regarding duty status of sworn members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the Human Resource Office.

1011.5.2 EVALUATION REQUIRED

An officer involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any officer returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police Training and Standards Commission (MPTSC) (Md. Code PS § 3-207).

1011.6 LIMITATION ON HOURS WORKED

Absent emergency operations, sworn members should not work more than:

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

Except in unusual circumstances, sworn members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve any sworn member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

1011.7 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy.

1011.8 MPTSC CERTIFICATION

Officers are required to submit to a physical agility assessment every year and a mental health assessment every two years in order to maintain their certification (Md. Code PS § 3-209).