



Approved:
Chief Marcia Harnden

Subject:

861. Fitness For Duty

Effective:
December 6, 2017

CALEA Standards: 22.2.1, 22.2.2

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Revised:
December 20, 2021

861.1: PURPOSE AND SCOPE

The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their established job functions.

861.2: POLICY

It is the policy of the Albany Police Department to require that all officers be free from any physical, emotional or mental condition which might adversely affect the exercise of assigned duties, including peace officer powers, to ensure the safety and well-being of employees and the citizens we serve.

861.3: 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 duties of their job function.
- 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 their assigned responsibilities.
- d. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor.
- e. 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.
- f. A certificate from a doctor or health care professional verifying that the employee is able to perform his/her essential duties in a manner that does not threaten his/her safety or the safety of others may be required, whenever the City has a good faith concern regarding an employee's ability to do so.
 - 1) The City also reserves the right to require employees to submit verification of the precise nature of any limitations of an employee's ability to safely perform his/her job duties, as a condition of

returning the employee to work, whenever there are good faith concerns regarding an employee's limitations, consistent with applicable law.

- g. All medical expenses incurred by the employee in complying with verification requests that are not covered by insurance will be reimbursed by the City.

861.4: SUPERVISOR RESPONSIBILITIES

- a. A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to perform his/her duties 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 problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her 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 Watch Supervisor or employee's available Division Captain, a determination should be made whether or not the employee should be temporarily relieved from their duties.
- e. The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

861.5: 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.

861.6: WORK RELATED CONDITIONS

- a. Any employee 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.
- b. Upon the recommendation of the Watch Supervisor or unit supervisor and concurrence of a Division Captain, any employee whose actions or use of force in an official capacity result in death or serious injury may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave or critical incident leave ([Law Enforcement Employee-Involved Critical Incidents: Policy 290](#)) pending:
 - 1) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate,
 - 2) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

861.7: PHYSICAL AND PSYCHOLOGICAL 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 and/or psychological examination in cooperation with 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. 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 which limit the employee's ability to perform job duties.
- 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.
 - 1) 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.
- f. Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

861.8: LIMITATION ON HOURS WORKED

- a. 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
- b. Except in very limited circumstances members should have a minimum of 8 hours off between shifts.
 - 1) 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.
- c. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

861.9: APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the [Personnel Complaints: Policy 821](#).