



Policy 1733

Subject	
FITNESS FOR DUTY EVALUATIONS	
Date Published	Page
1 July 2016	1 of 3

By Order of the Police Commissioner

POLICY

The Baltimore Police Department (BPD) is committed to ensuring the welfare and safety of its members and the community. For this reason, all members are required to report to work fit for duty.

The central purpose of a “fitness for duty” evaluation is to determine whether an individual is able to safely and effectively perform his or her job functions. This policy addresses the circumstances under which the BPD may require a fitness for duty evaluation and the process for requesting and administering such evaluations.

This policy is not meant to interfere with a supervisor’s ability to recommend personal counseling to a subordinate or to replace the confidential counseling services offered by the BPD to its members. Rather, this policy is intended to provide a mechanism for the assessment of a member’s ability to perform job functions when circumstances reasonably suggest continued service by the member could interfere with the BPD’s ability to deliver safe and effective police services.

This policy is not a substitute for discipline. Accordingly, the BPD may seek to impose discipline for misconduct or poor job performance notwithstanding a fitness for duty referral.

MEMBER RESPONSIBILITIES

1. All members must report to work fit for duty and be able to perform their job functions in a safe and effective manner. Members are required to notify a supervisor when they are not fit for duty due to a medical condition.
2. The BPD encourages members to voluntarily seek assistance for personal health conditions that could impact job performance, including drug and alcohol abuse, before their work performance is adversely affected. Members may take full advantage of the confidential counseling services offered through the BPD’s mental health provider. These services are available to members and their families.
3. In addition, members are responsible for notifying a supervisor when they observe a co-worker acting in a manner that suggests the co-worker could be unfit for duty. If a supervisor’s behavior is the focus of concern, the member must inform a member of Command.
4. Members who are asked to undergo a fitness for duty evaluation will be expected to comply with all aspects of the evaluation process, including furnishing necessary consent and release forms. Non-compliance might be grounds for disciplinary action, up to and including discharge from employment.

GROUNDINGS FOR SEEKING A FITNESS FOR DUTY EVALUATION

A supervisor may request a fitness for duty evaluation whenever he or she reasonably believes a medical or psychological condition might be preventing the member from performing their job functions in a safe and effective manner or that it could pose a direct threat to the member's safety or the safety of others. The need for a fitness for duty evaluation might become evident from the supervisor's own observations of the member or from reliable information received from a third-party. Behaviors that might suggest the need for a fitness for duty evaluation include, but are not limited to:

1. Difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity and concentration;
2. Emotional withdrawal;
3. Unusual expressions of fear, anxiety, sadness or confusion;
4. Outbursts, hostility, oppositional or violent behavior;
5. Irrational verbal conduct or behaviors, including delusions and hallucinations;
6. Suicidal or threatening statements;
7. Personal expressions of mental or physical instability or incapacity;
8. Inattention to personal hygiene;
9. Reasonable suspicion, via odor or observation of drug or alcohol abuse; and
10. Excessive lateness and absenteeism and/or decreased work productivity.
11. Any other factor or combination of factors that cause the supervisor to believe a physical or psychological condition might be interfering with the member's ability to perform job functions in a safe and effective manner.

The presence of any one factor or combination of factors might or might not be sufficient to order an evaluation. All referrals shall be decided on an individual, case-by-case basis.

Fitness for duty may be evaluated in other contexts, including as the result of a post-offer, pre-employment medical screening or following a long-term medical leave of absence.

PROCEDURES FOR FITNESS FOR DUTY EVALUATIONS

1. All fitness for duty requests shall be promptly made in writing to the Director of the Human Resources Section *via* the Medical Unit.

NOTE: Under no circumstances shall a supervisor refer a member directly to the Public Safety Infirmary or to any other health care provider for a fitness for duty evaluation.

2. Supervisors must be guided by the Medical Unit, which will advise on any steps that should be taken, including documentation of the reasons prompting the request. Where appropriate, the Medical Unit may advise the supervisor to discuss with the member the conduct, behavior or circumstances that gave rise to the concern. In some instances, this conversation may resolve these concerns without the need for a fitness for duty evaluation.
3. Where it is determined that a fitness for duty evaluation is warranted, the Director of Human Resources will make arrangements for the evaluation to take place and shall notify the employee in writing.
4. To facilitate the health care provider's evaluation of the member, the Director of Human Resources will include with his or her written referral relevant documentation and background information.

PRECAUTIONARY MEASURES DURING THE EVALUATION PROCESS

Although fitness for duty determinations will be made as expeditiously as possible, decisions about whether to refer a member for an evaluation might require some investigation and deliberation. In the interim, and in consultation with the Medical Unit and Command, the referring supervisor should consider taking one or more of the following precautionary measures:

1. Suspend the member's police powers for administrative reasons. Where the member is able to perform safely and effectively in a limited-duty capacity, the supervisor should make every effort to identify such a position for the member to perform while decisions about fitness are reached. The supervisor should advise the member that the change in duty status is non-punitive and precautionary in nature.
2. When Command has concerns about a member's ability to safely handle a firearm, request that the member voluntarily relinquish his or her personal firearms to the BPD for safekeeping. The member should be advised the request is being made as a precautionary measure and that he or she may request the return of a personal firearm at any time.

NOTE: If it is later determined that a fitness for duty evaluation is not warranted, the member's police powers should be promptly restored.

ASSOCIATED POLICIES

Policy 304, *Suspension Procedures*
Policy 1713, *Medical Policy*
Policy 1723, *Maintenance Program for Limited/Light-Duty Personnel*
Policy 1731, *Critical Incident Stress Management*

RESCISSION

Remove and destroy/recycle Policy 1733, *Fitness For Duty* dated 10 February 2015.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.