



Colorado Springs Police Department General Order

1824 Psychological Fitness for Duty

Section 1800 – Personnel Functions

Effective Date: 4/18/2022
Supersedes Date: 2/9/2021

.01 Purpose

The purpose of this directive is to outline the responsibilities and necessary actions when an employee's psychological fitness for duty is in question.

.02 Cross-Reference

[GO 540 Mentally Ill Persons – Special Populations](#)

[GO 700 Employee Wellness](#)

[GO 1817 Early Intervention Program](#)

.03 Discussion

The department is obligated to ensure its employees are physically and mentally fit to perform their job duties and to exercise the significant powers entrusted to them. Employees who are not physically and mentally fit may be impaired in their ability to perform the essential functions of their duties and/or present a direct threat to themselves, other employees, and/or the public.

In addition to direct observation, CSPD may be given reliable information by a credible third party that an employee has a medical condition or has exhibited symptoms indicating that the employee is impaired in their ability to perform essential job functions or poses a direct threat due to cognitive or psychological factors.

.04 Policy

A psychological fitness for duty evaluation will be completed anytime there is a question about an employee's mental and emotional ability to perform the essential functions of their position.

Equally important to protecting the employee and others is providing the employee with resources to help them adjust to or cope with various life circumstances. As part of the psychological fitness

for duty evaluation, the department will consider referring the employee for other services, including counseling, to address behavior concerns affecting job performance and/or personal conduct.

.05 Definitions

Psychological Fitness for Duty (FFD): A formal, specialized examination of an incumbent employee when there is a reasonable basis to believe an employee's ability to perform essential functions is impaired or that continued service by the employee may be a direct threat to themselves, others, or the public due to cognitive or psychological factors.

Direct Threat: A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. A "significant" risk is a high and not just a slightly increased risk.

.10 Roles and Responsibilities

Supervisor

Any supervisor who believes an employee's ability to perform essential functions is impaired will immediately initiate the FFD process through the employee's chain of command.

Such a recommendation must be based on reasonable belief derived from direct observation and/or reliable information of the employee's conduct, behavior, and circumstances, that an FFD is recommended. In accordance with the Americans with Disabilities Act (ADA), the supervisor will document their observations, including identifying how the employee's ability to perform specific job duties or functions is impaired and/or in what way the employee presents a direct threat.

Commander

The involved employee's division commander will review and independently consider the recommendation for FFD. As part of the commander's FFD recommendation review, the commander may, within their sole discretion, meet with the officer or the chain of command to discuss the observations giving rise to the referral and obtain any other pertinent information.

The commander will coordinate with the CSPD Human Resources Manager and the involved employee's assigned deputy chief to develop the FFD letter, which will include an identification of how the employee's ability to perform specific job duties or functions is impaired and/or in what way the officer presents a direct threat. The FFD letter will also specify the process the employee will follow to schedule their FFD appointment with the staff psychologist.

After receiving authorization from the chief of police or their designee, the commander will serve the FFD letter to the involved employee. The commander will ensure the employee is contacted respectfully and safely, considering the employee's safety, other department members, and the general public.

Chief of Police

The chief of police or their designee will be responsible for the final review and approval of the FFD and the FFD letter.

Staff Psychologist

The FFD will be referred to, and the department's staff psychologist will conduct the initial evaluation of the employee unless the department makes other arrangements. The staff psychologist will be responsible for representing the department's interest and will not be the involved employee's treating physician. If an external evaluation and/or treatment is advised, the staff psychologist will be responsible for recruiting and selecting a qualified provider from an appropriate professional discipline.

If an external evaluation is necessary, the staff psychologist will serve as the case manager and liaison between the department, the involved employee's mental health professional, and the employee.

The Staff Psychologist will collaborate with the involved employee's assigned deputy chief and the department's HR Manager to:

- Identify and structure the evaluation referral questions which guide the evaluator's process
- Ensure the evaluation is job-related and consistent with business necessity
- Collect and provide collateral information and relevant documentation to the evaluator
- Provide updates to the assigned deputy chief and the HR Manager regarding the FFD evaluation process.

If the Staff Psychologist is unable to fulfill their duties under this policy due to a conflict of interest or any other reason and/or business needs otherwise necessitate, the department will designate an FFD health care provider to fulfill the role of the staff psychologist.

Internal Affairs

At the direction of the chief of police, internal affairs will collect and maintain custody of an officer's equipment until the involved officer is released back to duty. This includes include:

- Duty handguns
- Badges
- Police radio
- All law enforcement identification cards (e.g., CSPD, EPSO, Teller County SO, etc.)
- Department issued phone/computer

Subject Employee

Any employee recommended for FFD must participate in the FFD process by signing the required forms, including the medical release, and attending the scheduled appointments. Failure to comply with such requests may result in disciplinary action, up to and including termination.

Department

The department is responsible for paying for all costs associated with an FFD evaluation.

.20 Americans with Disabilities Act

An FFD must comply with the ADA requires that a medical examination (and/or inquiry) be “job-related and consistent with business necessity.”

The concept of “job-related” looks at how much information the employer may gather. The department can only collect information on the officer's ability to do their job. Consequently, any FFD must be a customized assessment determined by the staff psychologist.

.30 Employee Status During the Fitness for Duty Process

The employee will be placed on administrative leave with pay during the FFD process.

During this process, sworn personnel will have their police powers suspended. The employee may not return to duty until released back to duty by the staff psychologist or their designee.

.40 Outcomes of a Fitness for Duty Evaluation

The FFD evaluation will result in one of the following outcomes:

- The employee is determined psychologically fit for duty and may return to work effective immediately.
- The employee is determined psychologically fit for duty with temporary work restrictions. The chain of command and HR Manager will discuss possible options to include limited duty, FMLA, ADA accommodations, and/or other leave available in accordance with the applicable policy.
- The employee is determined not psychologically fit for duty and may not return to work without written authorization from the staff psychologist. An employee determined not fit for duty may, in accordance with the applicable policy, will:
 - Utilize accrued sick leave, vacation, and/or compensatory time,
 - Apply for FMLA leave,
 - Request ADA accommodation,
 - Apply for applicable disability benefits and/or
 - Be discharged from employment

The outcome of the FFD evaluation will be communicated to the employee in writing. The staff psychologist will inform the assigned deputy chief, the assigned commander, and the HR Manager in writing when the officer can return to duty.

.50 Confidentiality

To the extent allowed by law, the department will protect the confidentiality of the psychological FFD evaluation and the results, including but not limited to the medical information provided by the employee.

As part of the psychological FFD process, the department may ask the employee to sign consent forms that permit the exchange of medical and health information between an outside medical provider/evaluator and the Staff Psychologist.

The department retains rights to any and all information, raw data, work product, reports, recommendations, etc., produced as part of the FFD evaluation.

.60 Peace Officer Statement (M-1) Form

If an employee is involuntarily transferred to a Crisis Receiving Center, the staff psychologist and the involved employee's deputy chief will be immediately notified. The FFD process will occur after the involved employee is released.