

	PARADISE VALLEY POLICE GENERAL ORDER Physical Fitness for Duty Examinations	Order Number
		22.10 Date 11-01-19

22.10 Physical Fitness for Duty Examinations

- A. All requests for physical fitness for duty examinations (psychological fitness see paragraphs M below) of an officer *shall* be discussed in detail with the *Chief*. If the *Chief* agrees that an examination is necessary, a draft *order* to the *officer shall* be prepared, containing the information required by [A.R.S. § 38-1112](#). If the *Chief* approves the draft *order*, the matter *shall* be discussed with the HR Director.
- B. Upon approval of the request, an appointment *shall* be scheduled with the selected *physician*, providing at least ten (10) days' notice to the *officer*. The notice to the *officer shall* be completed and presented to the *officer*. The *officer shall* be advised that attendance is mandatory and that he/she *will* be compensated for the time spent at the appointment.
- C. The *Department may order* a law enforcement *officer* to submit to a physical examination with a *physician* only if the *officer* has acted or failed to act in an observable manner that indicates that there is a physical condition materially limiting the *officer's* ability to perform the essential functions of the *officer's* job, within the *officer's* job description. Fitness for duty physical examinations for *sworn paid employees* who have passed probation are governed by A.R.S. § 38-1112.
 1. The *Department shall* provide the *officer* with a written *order* that includes all of the specific objective facts on which the *order* for the examination is based, except that the names of the individuals who reported the observed conduct *may* be omitted.
 2. The *order shall* specify the time, place, manner, conditions and scope of the examination and the person(s) who *will* conduct the examination. The *order shall* provide the *officer* with at least ten calendar days' notice.
 3. The *officer may* have a representative present during the examination if the person conducting the examination agrees.
- D. The *Department may* provide a copy of the *order* to the *physician*, along with any additional information it *may* have related to the fitness for duty. In addition, the person doing the examination *shall* be advised that he/she *may* consider and report on only:
 1. the *officer's* medical or other records that are directly relevant to the actions in question.



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2. medical records that record preexisting conditions that are relevant to the examination.
 3. any condition of the *officer* that the *physician* identifies during the course of the physical examination that endangers the safety of the *officer* or the community.
- E. If the *officer* advises the *Department* that he/she *will* be seeking an independent medical examination, the *Department* shall provide the *physician* selected for the independent medical examination with copies of all materials that are provided to the *physician* selected for the fitness for duty examination.
- F. Upon receipt of the final report of the examination containing the medical professional's findings, the employer shall notify the *officer* that the report has been received.
- G. The report shall be provided only to the Department and the law enforcement *officer* and shall not be provided to any other person except as required for any subsequent appeal or certification action involving the law enforcement *officer*.
- H. If the *officer* presents the *Department* with a final report of an independent medical examination or if the *officer* waives any right to request an independent medical examination, the *Department* ordered fitness for duty final report will be provided to the *officer* immediately.
- I. If the *officer* does not present the results of an independent medical examination within twenty days after the employer provides the *officer* notice that the report has been received by the employer, the *officer* is deemed to have waived the right to present the results of the independent medical examination.
- J. The employer shall not take any final action until after the law enforcement *officer* has had at least twenty days to review the fitness for duty report, unless the *officer* waives the twenty day period or the employer grants an extension.
- K. Following receipt of all report(s), the *Police Chief* shall make a decision as to the continued employment status of the *employee*.
- L. Fitness for duty reports and independent medical examinations are confidential and shall be placed in the *employee's* confidential medical file maintained by Town Human Resources. Only those in the *employee's* chain of command will be advised of any of



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the contents of the report, and the information that *will* be shared *will* be limited to whether the *employee will* remain employed and, if so, what if any limitations have been placed on the *employee*.

- M. The *Department may* order a law enforcement *officer* to submit to a psychological examination with a psychiatrist or psychologist if it reasonably appears that the *officer* is limited in the *officer's* ability to perform the essential functions of the *officer's* job for psychological reasons. In general, the procedure that *will* be followed for a psychological fitness for duty examination *will* follow that outlined in this section.

