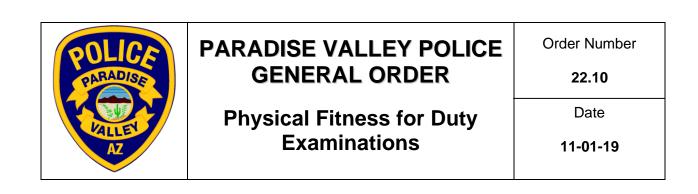


## 22.10 Physical Fitness for Duty Examinations

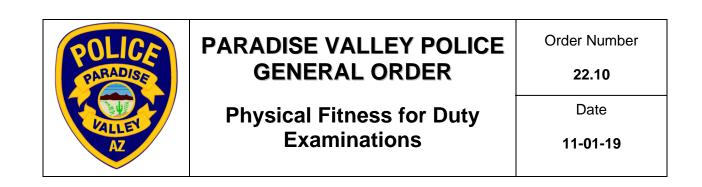
- A. All requests for physical fitness for duty examinations (psychological fitness see paragraphs M below) of an officer *shall* be discussed in detail with the *Chief*. If the *Chief* agrees that an examination is necessary, a draft *order* to the *officer shall* be prepared, containing the information required by <u>A.R.S.§ 38-1112</u>. 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.

Approved by: FC



- 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

Approved by: FC



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.



Approved by: FC