

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** October 27, 2016

**NUMBER:** 5.26 – HUMAN RESOURCES

**SUBJECT:** FITNESS-FOR-DUTY EVALUATIONS

**RELATED POLICY:** [9.17](#)

**ORIGINATING DIVISION:** HUMAN RESOURCES

**NEW PROCEDURE:**

**PROCEDURAL CHANGE:**

**SUPERSEDES:** NEW

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**I. PURPOSE**

This Department procedure establishes guidelines for fitness-for-duty evaluations including referral criteria, required actions/approvals, employee responsibility, and communication of evaluation results. This procedure is intended to comply with and be done in accordance with Civil Service Rule X, Section 8, Personnel Manual Index Code I-6 and POA MOU Article 27 D Section 8 – Compulsory Leave.

**II. SCOPE**

This procedure applies to all sworn members of the Department.

**III. BACKGROUND**

The minimum peace officer selection standards are set forth in Government Code Sections 1029 and 1031. Per section 1031(f), every California peace officer must be found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer. California Peace Officer Standards and Training (P.O.S.T.) Commission Regulation 1955(a) supplements this minimum standard with the additional requirement that the peace officer be capable of withstanding the psychological demands of the position.

Employees must maintain sufficient health to perform the regular or approved limited duties of his or her position with safety.

When it is clearly evident that an employee cannot perform the regular or approved limited duties of his or her position with safety and he or she is referred for a fitness-for-duty evaluation, it is imperative that he or she comply with the order, attend the scheduled appointment and provide requested information to the examining physician.

Failure to comply with a fitness-for-duty evaluation may result in appropriate administrative action.

#### **IV. DEFINITION**

A fitness-for-duty evaluation is a medical assessment that determines if an employee is medically capable of safely and effectively performing his or her regular job functions.

#### **V. PROCEDURES**

##### **A. Referral Criteria for Fitness-For-Duty Evaluations**

1. Referrals for fitness-for-duty evaluations are based on objective observations and management's reasonable belief that the employee is unable to safely and effectively perform his or her regular job functions due to a medical condition, either physical or psychological. This belief must be based on direct observation, credible third-party reports, or other reliable evidence.
2. When deciding whether a fitness-for-duty evaluation is needed, the Department should consider the potential usefulness and appropriateness of a fitness-for-duty evaluation given the specific circumstances. Other actions may be more appropriate such as accommodating known, documented medical restrictions or persuading the employee to seek medical attention from his or her personal medical professional.
3. Fitness-for-duty evaluations are not substitutes for the management and evaluation of work performance.

##### **B. Determine the Appropriateness of a Fitness-For-Duty Evaluation**

1. The supervisor most familiar with the situation shall contact a Medical Assistance Unit Sergeant at (619) 531-2124 during business hours, and after hours contact the Watch Commander (619) 531-2205 to obtain contact information for the on-call Medical Assistance Unit Sergeant.

2. The officer should be assigned to non-field work immediately as a safety precaution.
3. The supervisor will advise the Medical Assistance Unit Sergeant of the observable facts and concerns and discuss whether the facts support requesting a fitness-for-duty evaluation.
4. The Medical Assistance Unit Sergeant will review the employee's Medical Assistance Unit file to determine if there is a known injury or illness that may be affecting the officer's ability to safely and effectively perform his or her regular job functions.
5. Once determined that a fitness-for-duty evaluation is appropriate, the Medical Assistance Sergeant will assist the command with preparing a memorandum requesting the evaluation.

C. Memorandum to Request a Fitness-For-Duty Evaluation

1. The officer's command should immediately prepare a memo from the Chief of Police to the Human Resources Director, requesting a fitness-for-duty evaluation. The Medical Assistance Unit Sergeant will assist the command or prepare the memo behalf of the command.
2. The Fitness-For-Duty evaluation memo should contain all pertinent facts and observations including the following:
  - a. The employee's name, job class, tenure, and division;
  - b. A description of the objective evidence underlying concerns about the employee's fitness-for-duty and when that evidence was first obtained or observed;
  - c. Information about relevant job performance issues;
  - d. Description of job duties the employee is unable to perform without harm or danger to themselves, coworkers, or the public as a result of the suspected physical or psychological condition;
  - e. Description of adjustments, accommodations, alternate work offered so far, if relevant;

- f. Description of any other actions taken to address behaviors of concern;
  - g. Supporting documentation;
  - h. Copy of the employee's job description, class specifications, position description or job narrative; and
  - i. All attempts to assist the officer with resources and or recommendations for improvement.
3. The Medical Assistance Sergeant will forward the memo to and coordinate this process with the City's Human Resources Department.
- a. Upon City HR's approval of the Chief's request, the Assistant Personnel Director will be notified.
  - b. The Assistant Personnel Director will select a qualified examiner who meets P.O.S.T. requirements for continued professional training standards, according to the P.O.S.T. website, will schedule an appointment for the officer and notify the Department of the appointment date and time.

D. Employee Notification of a Fitness-For-Duty Evaluation

- 1. The Medical Assistance Sergeant and involved supervisor should take security measures if there are concerns regarding an inappropriate response by the officer.
- 2. The officer should be notified of the required evaluation and the reason(s) the evaluation has been requested.
  - a. The Medical Assistance Sergeant will be available to explain the reason(s) for the fitness-for-duty evaluation referral, noting the job-relevant issues. The command representative may also be present to assist the officer;
  - b. The employee should also be given the information in writing;

- c. The Medical Assistance Sergeant should attempt to answer the employee's questions about the fitness-for-duty process prior to the employee completing the fitness-for-duty evaluation; and
- d. The employee must either go to the medical facility or be escorted by the appropriate Medical Assistance Unit Sergeant. The command representative may also be present to assist the Medical Assistance Sergeant.
- e. Noncompliance in the fitness-for-duty evaluation by the employee may result in the appropriate administrative action.

E. Fitness-for-Duty Evaluation Process

- 1. The Medical Assistance Sergeant, and command representative if appropriate, will escort the officer to and from the medical appointment and provide the related documentation to the medical professional for review.
- 2. The City's examining physician will perform an appropriate medical examination, with or without laboratory tests, as determined by the facts in each case.
- 3. The employee will be provided with referrals for other services, when appropriate.
- 4. At the conclusion of the fitness-for-duty evaluation, the examining physician will promptly notify the Assistant Personnel Director or the assigned alternate and report the officer's work status, followed by a written report. This report will state the employees duty status only:
  - a. Return to regular duty; or
  - b. Return to duty with restrictions; or
  - c. Remain off work until further notice.

**NOTE: No confidential medical information is shared with the Department.**

- 5. The Executive Assistant Chief of Police will receive notice from City Personnel's Medical Liaison Officer of the duty status and any medical

restrictions the employee may have. This information will be communicated to the employee's commanding officer and the Medical Assistance Unit Sergeant.

6. Once the examining physician's report is received, the Assistant Personnel Director will advise the Executive Assistant Chief of Police and the employee regarding their respective rights and responsibilities.

**Reminder: Any time an employee is referred for a fitness-for-duty evaluation he or she should be temporarily assigned to non-safety sensitive work, until the fitness-for-duty evaluation is completed and the employee is cleared for return to his or her regular work assignment.**