

## **Fitness for Duty**

### **1017.1 PURPOSE AND SCOPE**

Monitoring members' fitness for duty is essential for the safety and welfare of the members of the Department and the community. The purpose of this policy is to ensure that all members of this department remain fit for duty and able to perform their job functions.

### **1017.2 POLICY**

The Bozeman Police Department strives to provide a safe and productive work environment and ensure that all members of this department can safely and effectively perform the essential functions of their jobs. Under limited circumstances, the Department may require a professional evaluation of a member's physical and/or mental capabilities to determine their ability to perform essential functions.

### **1017.3 MEMBER RESPONSIBILITIES**

It is the responsibility of each member of this department to maintain physical stamina and psychological stability sufficient to safely and effectively perform the essential duties of his/her position.

During working hours, all members are required to be alert, attentive and capable of performing their assigned responsibilities.

Any member who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that a member believes that another department member is unable to perform his/her duties, such observations and/or belief shall be reported to a supervisor immediately.

### **1017.4 SUPERVISOR RESPONSIBILITIES**

All supervisors should be alert to any indication that a member may be unable to safely perform his/her duties due to an underlying physical or psychological impairment or condition.

Such indications may include, but are not limited to:

- (a) An abrupt and negative change in the member's normal behavior.
- (b) A pattern of irrational conduct, hostility or oppositional behavior.
- (c) Personal expressions of instability.
- (d) Inappropriate use of alcohol or other substances, including prescribed medication.
- (e) A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
- (f) Difficulty completing routine physical tasks.
- (g) Complaints of chronic pain or other physical factors affecting performance.
- (h) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

# Bozeman Police Department

## Policy Manual

### *Fitness for Duty*

---

Supervisors shall maintain the confidentiality of any information consistent with this policy.

#### 1017.4.1 REPORTING

A supervisor observing a member, or receiving a report of a member, who is perceived to be unable to safely or effectively perform their duties shall promptly and confidentially document all objective information and/or observations.

The supervisor will meet with the member to inquire about the conduct or behavior giving rise to the concerns.

If a meeting does not resolve the supervisor's concerns or cannot take place due to the absence of the member, the supervisor shall promptly document their observations and actions in a written report and inform their own supervisor.

#### 1017.4.2 DUTY STATUS

In conjunction with the appropriate command staff member, the supervisor should make a preliminary determination regarding the member's duty status.

If a determination is made that the member can safely and effectively perform the essential functions of their job, the member will remain on duty and arrangements made for appropriate follow-up.

If a preliminary determination is made that the member's conduct or behavior represents an inability to safely and effectively perform the essential functions of their job, an appropriate command staff member will immediately relieve the member of duty pending further evaluation.

The Chief of Police shall be promptly notified in the event that any member is relieved of duty.

#### **1017.5 ADMINISTRATIVE LEAVE WITH PAY**

Members who use lethal force during an officer involved shooting will be placed on administrative leave with pay by a member of the command staff. Administrative leave with pay may also be required for other members utilizing less lethal force or who were present during officer involved shootings, other in-custody deaths, or significant critical incidents. In most circumstances members will be placed on paid administrative leave immediately following an incident, however, the Chief of Police retains the discretion to place a member on paid administrative leave as more information becomes available after the incident. Refer to Officer Involved Shooting policy for more information. Administrative leave with pay is provided in accordance with the City's Employee Handbook.

#### **1017.6 POST CRITICAL INCIDENT CLEARANCE**

A Post Critical Incident Clearance will be ordered by the department for any officer placed on administrative leave with pay due to a critical incident.

The Post Critical Incident Clearance does not require specific, identifiable concerns regarding the member's behavior or actions.

## *Fitness for Duty*

---

### 1017.6.1 PROCESS

The examining practitioner will only provide the Department with a recommendation whether the member is ready to return from administrative leave or could benefit from additional leave.

To facilitate the evaluation of any member, the Department will provide a summary of the incident that prompted the post critical incident clearance to the medical provider/examining practitioner.

### **1017.7 FITNESS-FOR-DUTY EVALUATIONS**

Psychological fitness-for-duty evaluations (conducted by a licensed psychologist) and/or physical fitness-for-duty evaluations (conducted by a licensed medical provider), may be ordered whenever circumstances reasonably indicate that a member is unfit for duty. These evaluations may occur only when there is an objective and reasonable basis for believing that the member may be unable to safely and/or effectively perform the essential functions of their job due to a psychological and/or physical condition.

A fitness-for-duty evaluation may be ordered due to concerns identified during a Post Critical Incident Clearance or by specific, identifiable behavior(s) or action(s), but are separate and distinct evaluations.

#### 1017.7.1 PROCESS

The Chief of Police, in cooperation with the Human Resources Department, may order the member to undergo a fitness-for-duty evaluation.

To facilitate the evaluation of any member, the Department will provide a summary of the events and circumstances that lead to the request to the provider. The examining practitioner will provide the Department with a report with their recommendation indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions and/or conditions in the report. All reports and evaluations submitted by the examining practitioner shall be provided to the Human Resources Department and be part of the member's confidential medical file.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made by the Chief or designee in conjunction with the Human Resources Department. Refer to the City of Bozeman Employee Handbook and related policies regarding the subsequent processes.

### **1017.8 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 16 hours in a one-day (24 hours) period
- 30 hours in any two-day (48 hours) period
- 84 hours in any seven-day (168 hours) period

# Bozeman Police Department

## Policy Manual

### *Fitness for Duty*

---

Except in unusual circumstances, members should have a minimum of eight hours off between shifts. Supervisors should consider reasonable rest periods and are authorized to deny overtime or relieve any member who has exceeded the above guidelines to off-duty status.

Limitations on the number of hours worked apply to all work assignments, including but not limited to shift changes, shift trades, rotation, holdover, training, and general overtime.

#### **1017.9 ADMINISTRATIVE LEAVE WITH PAY DUE TO EXCESSIVE MANDATORY HOURS**

When department members work mandatory overtime in excess of six (6) consecutive hours, and the start of the member's next scheduled shift is in less than eight (8) hours from the end of their mandatory overtime, the member may be eligible for up to eight (8) hours of paid administrative leave, with the approval of the Division Captain. The administrative leave shall be no more than is necessary to provide the member with eight (8) hours away from work.

Administrative leave with pay due to excessive hours only applies to mandatory overtime. It does not apply to voluntary or contracted shifts or assignments.

#### **1017.10 RESPONSIBILITY**

This policy may be modified at any time, with or without notice, at the discretion of the Chief of Police, in conjunction with Human Resources.

Failure to comply with this policy, including failure to comply with orders to undergo a Post Critical Incident Clearance or a Fitness for Duty Examination and to fully cooperate with the examining practitioner, may be cause for disciplinary action, up to and including termination.