

Fitness for Duty

1015.1 PURPOSE AND SCOPE

The Milwaukee County Sheriff's Office is committed to providing a safe and healthy environment for all employees and the public. In order to uphold this commitment, the Agency has set forth policy guidelines to insure that all employees are medically, psychologically, physically, and emotionally fit for duty.

Nothing in this policy is intended as a substitute for other applicable Sheriff's Office policies or procedures related to performance; nor is the fit for duty process intended as a substitute for discipline.

1015.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this agency to maintain good physical condition sufficient to safely and properly perform essential duties of his/her position.
- (b) Each member of this agency shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation. Observations may include but are not limited to an employee's self-report, manual dexterity, coordination, alertness, speech, vision, concentration, response to criticism, interactions with co workers and supervisors, suicidal or threatening statements, change in personal hygiene, memory, and/or odor of alcohol or marijuana.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties. If possible, the supervisor should allow the employee to explain his/her actions and correct any mistake of fact. The supervisor will document this information as soon as practical.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Commander or the employee's Divisional Commander, a determination should be made whether the employee should be temporarily relieved from duty.

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- (e) The Internal Affairs Division shall be promptly notified in the event that any employee is relieved from duty. In situations where there is cause to believe that a member has committed a crime, is threatening him/herself or others, or acting in a manner that is dangerous to him/herself or others, the appropriate actions should be taken and command staff notified.

1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1015.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Commander or unit supervisor and with the concurrence of a Divisional Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, specifically, that a member is unable to perform his/her assigned duties in a safe, secure, productive, and/or effective manner, the Internal Affairs Division may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources, and at no cost to the employee, to determine the level of the employee's fitness for duty. There is no doctor/therapist patient relationship at any time during or after the evaluation. The order shall indicate the date, time and place for the examination. The order that a member may need to be evaluated for fitness for duty must be based on an objective, reasonable, and factual basis.
- (b) The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

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- (c) To facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment, including, but not limited to precipitating events, documented performance or behavior concerns, pending or previous disciplinary action, and employee's JEQ.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's confidential medical file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 FITNESS FOR DUTY FINDINGS/OUTCOMES

The evaluative summary findings will recommend one of the following course of action:

- (a) Fit to return to duty. The evaluator has determined that the employee is fit for duty and does not pose a hazard or risk to self or others. The evaluator has determined the employee can do all essential functions of the position.
- (b) Not fit for duty until specific recommendations have been met. The evaluator has determined that the employee is not fit for duty and may pose a hazard or risk to him/herself or others. The Internal Affairs Division in conjunction with Human Resources shall consider the recommendations in the report which shall state the terms and conditions that must be met before the employee shall be allowed to return to work.
- (c) Not fit for duty. The employee cannot perform essential duties of the position.

1015.8 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than 16 hours in a one-day period (24 hours).

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

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.