

## **Fitness for Duty**

### **1016.1 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.

### **1016.2 POLICY**

The University of Maryland, Baltimore 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 his/her ability to perform essential functions.

### **1016.3 MEMBER RESPONSIBILITIES**

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 promptly reported to a supervisor.

### **1016.4 SUPERVISOR RESPONSIBILITIES**

All supervisors shall 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:

- (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) Any other factor or combination of factors causing a supervisor to believe the member may be suffering from an impairment or condition requiring intervention.

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

### *Fitness for Duty*

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#### **1016.4.1 REPORTING**

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

The supervisor shall attempt to 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 does not take place, the supervisor shall promptly document his/her observations and actions in a written report and forward it up the chain of command to the member's Bureau Commander.

#### **1016.4.2 DUTY STATUS**

In conjunction with the Shift Commander, the member's lieutenant or the member's Bureau Commander, the supervisor shall 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 his/her job, the member shall be returned to duty and arrangements for appropriate follow-up made.

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 his/her job, the Shift Commander, the member's lieutenant or the member's Bureau Commander should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the administrative leave provisions of the Personnel Complaints Policy 1010.

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

#### **1016.5 EMPLOYEE ASSISTANCE PROGRAM**

The UMB Employee Assistance Program (EAP) is a confidential assessment, referral and information service designed to provide help with any kind of personal problem that may be affecting the member's life and/or job performance. Problems referred to EAP may include stress, depression, anxiety, grief, marital and family counseling, career planning, financial problems, parenting issues, drug or alcohol dependence and job loss or job change. Early voluntary use of this program can assist the member in resolving difficulties and regaining control of their personal and/or work life situations.

Supervisors who formally refer subordinates to the EAP will send a written request through the chain of command to their Bureau Commander or designee, who will coordinate the request with the UMB EAP scheduling service. The written request shall be on an EAP Supervisory Referral Form (see Appendix 4.6.1) and shall be completed in its entirety.

### *Fitness for Duty*

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#### 1016.5.1 PROCESS

Any member who wishes to use EAP services may call and schedule an appointment. An “informal” referral can also be made by a supervisor in response to a member’s request or when the supervisor feels that it would benefit a member. There are no procedures to follow in making an informal referral. In cases of informal referral, or in cases where the member initiates contact with the EAP, all information relating to the contact is confidential.

The EAP Supervisory Referral Forms may be found on the UMB Human Resource Services (HRS) website at the following link: <https://www.umaryland.edu/hrs/benefits/employee-assistance-program-eap/>.

When a member’s work performance or behavior indicates a need for assistance by the EAP, a supervisor may consider making a formal referral. A referral to the EAP is considered “formal” only when the following steps are followed:

- (a) Confront the member with the situation giving rise to the referral. Discuss the reasons for suggesting EAP and strongly encourage the member to seek assistance. The supervisor should indicate that a referral will be made on their behalf.
- (b) If the member agrees to seek assistance through a formal referral, the supervisor should contact the EAP in the presence of the member.
- (c) The supervisor will be asked to complete and submit the Supervisor’s Referral Form prior to the member’s counseling session as previously outlined in this directive.
- (d) A formal Referral shall also be made using the Supervisor’s Referral Form when a member’s actions require a supervisor to refer the member to the EAP without consent. Actions that may require this formal referral include:
  - 1. Performance Problems;
  - 2. Absenteeism;
  - 3. Initiative;
  - 4. Interpersonal Problems;
  - 5. Disruptive Behavior;
  - 6. Appearance;
  - 7. Attitude;
  - 8. Accidents; and
  - 9. Personal Problems.
- (e) The Supervisor’s Referral Form shall include warnings or disciplinary actions taken in the past and supervisor’s observations.
- (f) If disciplinary action is required, it will be accomplished in accordance with Personnel Complaints Policy 1010.

*Fitness for Duty*

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**1016.5.2 CONFIDENTIAL, APPROPRIATE AND TIMELY PROBLEM ASSESSMENT SERVICES**

- (a) All services provided by the EAP are completely confidential. No information regarding care shall be released without permission from the member.
- (b) The only exception is when a supervisor requests that a member seek counseling due to poor performance and even then only limited information is released.

Information reported back to the supervisor will include only:

- 1. Information on whether a member shows up for an appointment;
- 2. Whether they were cooperative;
- 3. The general nature of a treatment plan;
- 4. Results of urine screens; and
- 5. Prognosis and likelihood of improvement

**1016.5.3 RESOURCES AVAILABLE FOR DIAGNOSIS, TREATMENT, AND FOLLOW-UP**

In addition to the University's EAP program, members enrolled in the State of Maryland health plan have coverage in this plan for mental health and substance abuse problems. Information about these programs may be found on the State of Maryland's Benefit Guide website.

**1016.6 FITNESS-FOR-DUTY EVALUATIONS**

A fitness-for-duty evaluation may be ordered whenever circumstances reasonably indicate that a member is unfit for duty or following an officer-involved shooting or death-in-custody incident.

If EAP is not an option and, after consulting with HRS, the member's Bureau Commander or higher authority may authorize an agency member to be referred to a certified mental health professional for evaluation. The supervisor is required to provide written documentation to support the referral.

When referred to a certified mental health professional for evaluation, the examining practitioner will provide the Department with a report indicating whether the member is fit for duty. If the member is not fit for duty, the practitioner will include the existing restrictions or conditions in the report.

In order to facilitate the evaluation of any member, the Department will provide all appropriate documents and available information.

All reports and evaluations submitted by the examining practitioner shall be part of the member's confidential medical file.

Any member ordered to undergo a fitness-for-duty evaluation shall comply with the terms of the order and cooperate fully with the examining practitioner. Any failure to comply with such an order and any failure to cooperate with the practitioner may be deemed insubordination and shall subject the member to discipline, up to and including termination.

Determinations regarding duty status of members who are found to be unfit for duty or fit for duty with limitations will be made in cooperation with the UMB Human Resource Services.

### *Fitness for Duty*

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#### **1016.6.1 EVALUATION REQUIRED**

An officer involved in any incident where a person was seriously injured or killed as a result of a shooting or accident and any officer returning from combat deployment shall undergo a psychological consultation consistent with the standards developed by the Maryland Police and Correctional Training Commission (MPCTC) (Md. Code PS § 3-207).

#### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

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

Except in unusual 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 any member who has exceeded the above guidelines to off-duty status.

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

#### **1016.8 TRAINING**

All newly appointed supervisory personnel shall receive training in a range of topics including their role and responsibility in the EAP program and the identification of member behaviors that would indicate the existence of concerns and issues that could impact the member's job performance.

#### **1016.9 PERSONNEL SUPPORT SERVICES PROGRAM**

Information about benefits provided to members is coordinated through the Human Resource Services (HRS) Benefits Office. Additional services are provided to employees and family members in cases of injury or death. New hire orientations provide eligible members a general overview of the benefits sponsored by the University System of Maryland (USM) and the State of Maryland Health Benefits. The member orientation agenda consists of member relations, public safety, HR Service Center and member benefits information. These services are made available to the member and their family members.

#### **1016.10 APPEALS**

Employees disputing the application or interpretation of this policy may submit a grievance as provided in the Grievances Policy 1003.