



Policy Number: 1009 – Fitness for Duty
Effective Date: June 1, 2021
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Approved By: Brandon Gatlin, Interim Chief of Police

1009.1 PURPOSE AND SCOPE

Monitoring members' fitness for duty is essential for the safety and welfare of all members of the Montana State University Billings Police Department (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.

1009.2 POLICY

The 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.

1009.3 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 promptly reported to a supervisor.

1009.4 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:

1. An abrupt and negative change in the member's normal behavior.
2. A pattern of irrational conduct, hostility or oppositional behavior.
3. Personal expressions of instability.
4. Inappropriate use of alcohol or other substances, including prescribed medication.

5. A pattern of questionable judgment, impulsive behavior or the inability to manage emotions.
6. 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.

1009.4.1 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 should 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 inform the Assistant Chief of Police.

1009.4.2 DUTY STATUS

In conjunction with the Assistant Chief, the Chief of Police 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 his/her job, the member should be returned to 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 his/her job, the Chief of Police should immediately relieve the member of duty pending further evaluation.

Employees relieved of duty shall comply with the Administrative Leave provisions of Policy 1004 - Personnel Complaints.

Human Resources shall be promptly notified in the event that any member is relieved of duty, and whenever possible, this should be accomplished prior to relieving the employee of duty.

1009.5 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 in-custody incident.

1009.5.1 PROCESS

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

1009.6 APPEALS

Employees disputing the application or interpretation of this policy may submit a grievance as provided in Policy 1001 – Grievances; and in accordance with the member's respective Collective Bargaining Unit agreement.