JOPLIN POLICE DEPARTMENT	3-11 STANDARD OPERATING GUIDELINE
SUBJECT: Fitness for Duty	**REVIEW DATE: Annually - March**
EFFECTIVE DATE: 03/27/2024	**ACTION DATE:**
AMENDS/SUPERSEDES: March 1, 2007	**AMEND DATE: 03/19/2024**
ACCREDITATION INDEX: 22.3.1, 22.3.2, 22.3.3 a, c, e	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

The Joplin Police Department expects its members to be physically and mentally able to perform the duties of their position. If it appears a member of the Department is unable to perform those duties due to physical or mental reasons, the Chief of Police may order a member to be examined by a physician or mental health professional. The cost of any examination required by this policy shall be paid by the Department. The appropriate health care provider will determine the member's ability to perform his/her duties in a safe manner. (22.3.1, 22.3.3C)

II. PURPOSE

To establish guidelines for physical fitness and physical examinations of department employees.

III. PROCEDURE: GENERAL (22.3.1, 22.3.2)

A. Physical Fitness

A member shall be expected to maintain a level of general physical fitness commensurate with his/her job classification and responsibilities. The Human Resources Department maintains information on the City's Fitness Programs, as described in the Employee Manual, and they are accessible to any member. As part of maintaining wellness, each member is encouraged to have a physical examination each year of his/her employment. (22.3.2, 22.3.3 A,C,E)

B. Physical Examination

1. It shall be the duty of any supervisor who has reason to believe a member is unable to perform the duties of his/her position to make a written report to the appropriate Bureau Commander, and the Chief of Police. The supervisor's report shall describe the performance problems and shall include those facts that support the supervisor's belief that evaluation is warranted.

2. If the Chief of Police determines that there is reasonable cause to believe a member is unable to perform the duties of his/her position, the Chief of Police shall consult with the Director of Human Resources concerning said member. Upon concurrence by the Director of Human Resources, the Chief of Police shall order said member to submit to an examination by a physician and/or mental health professional. (22.3.3 A)

3. The examining physician and/or mental health professional, the date of the exam, and the time of the exam shall be determined jointly by the Chief of Police and the Human Resources Department.

4. The member shall report for the examination at the date and time scheduled by the Chief of Police and the Human Resources Department, and shall cooperate fully with the examination.

5. As a condition of continued employment, the member shall sign a release authorizing the examining physician and/or mental health professional to release examination results to the Human Resources Department. The member shall take this release with him/her to the examination, and shall sign same before leaving the health care provider's office. The release shall be left at the health care provider's office in order for the results to be released to the Human Resources Department. The Human Resources Department shall contact the Chief of Police with the results of the examination.

6. The duty or pay status for the member while attending the appointment shall be as follows:

   a. If the member has been absent from work prior to the appointment, on leave status, the time required for the appointment shall be recorded as regular wages/salary.

   b. If the member is on-duty at the time of the appointment, the member shall not be required to use any leave time and shall be considered on-duty during the appointment; and

   c. If a member is on-duty at the time of the appointment and the appointment occurs outside of the member's regular shift, the member may receive overtime in accordance with the same applicable standards set forth in Section "6. b." directly above.

7. A member who has permanent restrictions assigned by his/her examining/treating physician that prevents the member from performing the essential functions required of his/her present job classification, shall receive consideration for any reasonable accommodation available within the limitations of his/her skills and abilities. A representative of the Human Resources Department shall consult with said member to discuss his/her specific abilities and limitations as they relate to essential job functions within the Department. Said representative shall also assist in identifying barriers to job performance for the member, and shall assess whether these barriers can be overcome with an accommodation. Such specific accommodations are not considered permanent for the member.

8. Any member who meets the definition of disabled individual shall be allowed equal consideration for employment and retention as prescribed in The Americans with Disabilities Act. Such a member is expected to perform essential functions established for his/her job classification either with or without reasonable accommodation.

9. Failure by a member to cooperate in this process, or to follow the procedure described herein, shall be cause for disciplinary action up to and including termination of employment.

C. Mental Health Examination

1. The department shall ensure that all employees meet with a service provider for a mental health check-in once every three years, pursuant to RSMO 590.192.

IV. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules, or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

V. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only inform the basis of a complaint by this department, and then only in a non-judicial administrative setting.