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| <i>Subject: FITNESS FOR DUTY Chapter 21.3</i> | <i>Page No: 1</i> |
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| <b>THURMONT POLICE DEPARTMENT</b>       |                                     |  |                               |
| <b>GENERAL ORDER</b>                    | <i>Date Issued: August 27, 2007</i> | <i>Effective Date: August 27, 2007</i> | <i>Order No: Chapter 21.3</i> |
| <i>Authority: Chief Gregory L. Eyer</i> |                                     | <i>Manual Page No:</i>                 |                               |
| <i>Subject: FITNESS FOR DUTY</i>        |                                     | <i>Replaces Page No:</i>               |                               |
| <i>CALEA Standard: Chapter 22</i>       | <i>Distribution: ALL</i>            | <i>Amends: Previous Order</i>          | <i>Number of Pages: 5</i>     |
| <i>Related Documents:</i>               |                                     | <i>Rescinds:</i>                       |                               |

**I. PURPOSE:**

The purpose of this policy is to express to the public and members of the Thurmont Police Department that the Thurmont Police Department views fitness for duty to be an essential requirement for every member’s position.

**II. POLICY:**

The policy of the Thurmont Police Department encourages all members to be sufficiently fit to perform the essential functions of their positions in a safe, effective and efficient manner always. Should reasonable cause exist to question a member’s fitness for duty, our policy is to temporarily remove an active member from duty, or to temporarily prohibit an inactive member from returning to duty, until such fitness is evaluated. Only those members who successfully complete prescribed fitness evaluations will be eligible to remain in their positions.

This policy does not intend to illegally discriminate against members or potential members of the Thurmont Police Department on the basis of sex, race, ethnic background, religion, age or known disabilities.

**III. DEFINITIONS:**

**SUFFICIENTLY FIT** - shall mean members are physically, mentally, and psychologically prepared and can perform the essential functions of their positions.

**ESSENTIAL FUNCTION** - shall mean a function that the job exists to perform or a function only few employees are able to share, or a function that is central to a highly specialized position. The Chief of Police has the responsibility and authority to decide and define the essential functions of the positions within the Thurmont Police Department. The Chief of Police does this by drawing on his knowledge of the job, written job descriptions, knowing the time required to do the function, the criticality of

doing the function or not doing the function properly, and the terms and conditions of any employment contracts that may exist.

Without creating an exclusive listing of all possible essential functions for each position in this organization, the following illustrate the essential functions inherent to all positions:

1. Have regular and predictable attendance.
2. Meet production standards established by management for the position.
3. Meet efficiency standards established for doing a function.
4. Perform a responsibility, duty, or task efficiently and safely.
5. Can subordinate personal preferences to the lawful directives of management.

REASONABLE CAUSE - means those facts that would lead an ordinary member concerned about this organization's mission, public image, and public or member safety to question another member's fitness for duty. Reasonable cause does not mean that members concerned about another member's fitness for duty have proof beyond a doubt or even a preponderance of evidence to support action. However, it does require more than personal opinion or mere suspicion, or suspicion based on hearsay. Reasonable cause is based on substantial evidence. Reasonable cause is a subjective standard based on objective facts. Personal opinions that are unsupported by facts will not establish reasonable cause. Reasonable cause does not coexist with malice.

#### **IV. PROCEDURE:**

- A. All regular full-time employees of the Department are required to have a physical examination prior to their first day on the job. Costs for the examination will be paid by the Town of Thurmont.
- B. The Thurmont Police Department encourages all of its employees to obtain a physical examination on a regular basis.
- C. THE CHIEF OF POLICE, WITH REASONABLE CAUSE, MAY:
  1. Relieve the employee of duty with pay.
  2. Order the employee to submit to a fitness for duty examination.
  3. Allow members successfully completing the prescribed fitness for duty examination to remain in their positions.
  4. Members who fail the fitness for duty examination may be removed from duty until the following occurs:

- a. Successful completion of the fitness for duty examination.
- b. Successful completion of the fitness for duty examination for a different position.
- c. Recommendation for termination made in accordance with Departmental Rules and applicable state statutes.

**D. MALICE:**

1. Any member who is shown through the investigatory process to have used this policy as a subterfuge to maliciously damage another will be subject to disciplinary action up to and including a recommendation of termination by the Chief of Police, and face the possibility of a civil action being initiated against him/her by the member.

**E. DISCRIMINATION:**

1. This policy does not intend to discriminate against a member or potential members of this organization. Not all discrimination is illegal per se. Poor performance, inability to perform competently the essential functions of the position, or inability or unwillingness to perform to the satisfactory performance levels established by management for positions are well recognized legal grounds upon which management is allowed to discriminate both for and against members. The purpose of this clause is to ensure members that it is fitness for duty, not personal characteristics protected by law that will only be considered in decisions affecting their employment.

**F. EXERCISE ROOM:**

1. The Exercise Room at Headquarters shall remain available twenty four hours a day to both sworn and civilian personnel. Personnel will be appropriately attired when utilizing the Exercise room. Personnel will be expected to utilize the equipment in a non-abusive manner and will be responsible for general care and upkeep. This will include returning equipment to the condition in which it was found and turning off lights and television when finished. Personnel will be familiar with the equipment prior to use and will accept any risks encountered during its usage. Use of the Exercise Room is a privilege and failure to adhere to these guidelines may result in the suspension or revocation of that privilege. Any problems or concerns with the Exercise Room will be immediately reported to the Deputy Chief of Police.

**V. PHYSICAL AGILITY ASSESSMENT**

Effective July 1, 2022, all certified police officers in the State of Maryland, as defined by Public Safety Article § 3-201 must submit to a physical agility assessment as determined by the Maryland Police Training and Standards Commission (Commission). This physical agility assessment is a requirement for initial certification, and as a condition of certification, a police officer is required to submit to an annual physical agility assessment to establish continuing fitness to carry out the officer's assigned duties as a police officer.

Public Safety Article § 3-209 requires a physical agility assessment to be completed annually by all certified police officers in the State of Maryland. The evaluation components listed below are required for certification of a police officer by the Commission pursuant to Public Safety Article Section § 3-209. This authority does not preclude or limit an agency from administering for employment purposes a separate wellness or physical testing program and/or standards in addition to this assessment.

The Commission has determined that a physical agility assessment must be directly related to job functions and tasks routinely performed by police officers. In 2021, a job task analysis was conducted for the Commission to identify the specific functions ordinarily performed by police officers. The basic job task functions were identified based on the frequency each task was performed or the importance of that task being performed properly. The results of this job task analysis identified particular physical functions that a police officer would need to perform based on frequency or importance. These physical functions will serve as the evaluation components of the Physical Agility Assessment.

Law enforcement agencies who conduct a comparative internally developed physical test may request their test be used in lieu of the Physical Agility Assessment evaluation components.

The following evaluation components were identified as part of the job task analysis:

- 1- The police officer will climb over a barrier.
- 2- The police officer will pull/drag a 150lb individual at least 15 feet.
- 3- The police officer will demonstrate the ability to run for a distance of at least 300 feet.
- 4- The police officer will demonstrate the ability to traverse up and down at least two (2) flights of stairs.

Each law enforcement agency must arrange for an individual to submit to a physical agility assessment for initial certification as a police officer and schedule an annual physical agility assessment of all certified officers. Upon completion, each agency head (or designee) must attest in writing that each officer has the physical ability to carry out the officer's assigned duties. The law enforcement agency will retain records of the individual's assessment for a minimum of three years from the date of the assessment.

As part of the current in-service auditing process, the Commission will review that a law enforcement agency has the physical agility assessment process in place and that all certified officers have participated. The Commission will then review agency documentation attesting to each certified officer's physical ability to carry out assigned duties.

Officers who fail to submit to a physical agility assessment will be ineligible for initial certification or re-certification. Each agency must maintain documentation for each certified officer's physical ability to carry out the officer's assigned duties. In the absence of such documentation, the officer will be ineligible for initial certification or re-certification.

The Chief of Police will determine a deadline annually for each officer to demonstrate the ability to complete this assessment.

**ATTACHMENTS :**

**DOCUMENT DATES :**

*Amended Date: July 15, 2022*

*Amended by: Lt. P.A. Droneburg*

*Review Date: July 15, 2022*

*Approved by: Chief Gregory L. Eyler*

*Rescinds:*

*Order Written by: Lieutenant Shawn Tyler*

*Order Edited and Approved by: Chief Gregory L. Eyler*

*CALEA Standards Included in this Order*

*CHAPTER 22 COMPENSATION, BENEFITS, AND CONDITIONS OF WORK*

*22.3.1 Fitness for Duty*

*22.3.2*