

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 6.26</b>
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; August 15, 2016
<b>CHAPTER:</b> Human Resources		Related Policy: G.O. 6.27 (Job Related Illness/Injury Reporting and Health Services/AIDS) Lane Manual Rule VI, LM Section 2.250
<b>SUBJECT: Health of Employees (Fitness for Duty)</b>		Related Laws: Americans with Disability Act

**POLICY:** The Sheriff's Office expects employees will maintain themselves in good physical and mental condition to enable them to handle the strenuous physical and mental activities often required in the employee's performance of duty. The Sheriff's Office will provide support services to every extent possible to assist employees in maintaining their fitness for duty.

**RULE:**

1. Employees unable to report for duty because of sickness, injury, or other emergency shall report this fact to an appropriate on-duty supervisor as much in advance of their scheduled duty as possible and, in any event, prior to the time they are to report for duty. Failure to notify the Sheriff's Office may be deemed absence without leave.
2. Employees shall not feign illness or injury, falsely report being ill or injured, or otherwise deceive or attempt to deceive any member of the Sheriff's Office as to the condition of their health.

**PROCEDURE:**

I. Physical Fitness For Duty

- A. Employees of the Sheriff's Office shall maintain themselves in good physical condition so that they can handle the strenuous physical activities often required.
- B. Notwithstanding the requirements of Rule VI of the Lane Manual (LM Section 2.250), the Sheriff or designee may require any employee to submit to a physical fitness for duty examination for the purpose of determining ability to perform essential job related functions.
- C. Physical fitness for duty tests will not be requested unless the Sheriff's Office has reasonable belief that an employee is physically unfit to perform their duties.
  1. Within ten (10) days of such order by the Sheriff—or designee, the employee so directed shall obtain an appointment for a physical fitness for

duty examination, to be completed at the earliest opportunity. The Sheriff shall determine the extent of the examination.

2. The Sheriff shall direct an employee to have a required physical fitness for duty examination by a licensed physician of the Sheriff's choice. The Sheriff's Office shall pay the cost for such required examinations. The results of an employee's physical examination shall be reported to the Sheriff's Office and shall become a part of the employee's confidential medical file.
3. Employees may have an additional physical fitness for duty medical examination by a licensed physician of their choice and at their own expense. The results of such physical examination shall be included in the employee's confidential medical file and shall be considered when making any decisions regarding the employee's ability to perform the essential job duties of their position.
4. The Sheriff's Office will request the physician to provide only that information necessary for the Sheriff's Office to make a determination of physical fitness for duty.
5. If such an assignment is available, the employee may be assigned modified duties until the physical fitness for duty examination has been completed.
6. Nothing in this procedure limits the ability of the Sheriff's Office to administer physical agility and/or physical fitness tests consistent with the American with Disabilities Act (ADA), the Americans with Disabilities Amendments Act (ADAAA) and applicable Federal, State, or local laws.

C. Physical Impairments

1. The Sheriff or designee shall investigate any reports of impaired ability to perform essential job duties.
2. If it is determined that the reported physical limitation will restrict the employee's ability to perform essential job duties, the employee will be evaluated consistent with the ADA/ADAAA. An employee must be able to perform the essential job duties of their position with or without a reasonable accommodation, without posing a direct threat to their personal safety or the safety of others.
3. If such an assignment is available, the employee may be assigned modified duties until such physical impairment has been corrected.

4. If the impairments are not correctable, employees may be reassigned to a classification within the limitations of their capabilities in accordance with Sheriff's Office policy, County policy, and Federal, State, or local laws including but not limited to the ADA/ADAAA.

## II. Mental Fitness For Duty

- A. It is the responsibility of every employee to report suspected mental illness of any employee, both for the welfare of the employee and the welfare of the community we serve. Every report shall be investigated.
- B. Upon order by the Sheriff or designee and by the process outlined in this procedure, employees will submit to a mental fitness for duty examination by a licensed psychiatrist and/or psychologist (at the discretion of the Sheriff's Office) to determine their state of mental health. The Sheriff's Office shall pay the costs of such an examination. The result of the examination shall be placed in the employee's confidential medical file.
- C. Mental fitness for duty tests will not be requested unless the Sheriff's Office has reasonable belief that an employee is mentally unfit to perform their duties.
  1. When a supervisor or other management person has a reasonable belief that an employee is mentally unfit for duty, the Sheriff's Office will bring those facts to the attention of a psychologist or a psychiatrist. The psychologist or psychiatrist shall be licensed to practice psychiatry or clinical psychology in the State of Oregon.
  2. Only if the psychologist or psychiatrist believes there is a reasonable belief that the employee is mentally unfit for duty will actual testing of the employee take place.
  3. The Sheriff's Office will inform the employee in writing of the information it has which forms the basis for its reasonable belief and which was provided to the psychologist or psychiatrist.
  4. If testing is required, the employee may be placed on administrative leave pending the results of the evaluation.
  5. The tests that are given by the psychologist or psychiatrist must have been validated as establishing an employee's mental fitness for duty.
  6. The employee must cooperate in good faith with the examining psychologist or psychiatrist, and will provide him/her with any personal history determined to be relevant.

7. The Sheriff's Office will request the psychologist or psychiatrist to provide only that information necessary for the Sheriff's Office to make a determination of mental fitness for duty.
- D. Employees found to be mentally impaired will be evaluated for reasonable accommodation to the extent possible and consistent with the ADA/ADAAA.
  - E. An employee may consult with their association or union and/or have an additional mental fitness for duty examination by a licensed psychiatrist and/or psychologist at the employee's own expense. The results of such mental examination shall be placed in the employee's confidential medical file and shall be considered when making any decisions regarding the employee's mental health and fitness for duty.