A. Policy

In order to minimize the long-term effects of stress and to ensure department personnel are physically able to perform the duties required of them, the department requires certain employees to undergo initial and periodic medical examinations. Additionally, medical examinations may be required for some employees who display symptoms of a medical condition or who have suffered an injury since their prior physical examination.

B. Procedure

1. All police agents and animal control officers are required to have an initial medical examination prior to hiring.

2. In addition to the initial medical examination, members of the hazardous materials response team are required by federal law to have annual medical examinations. The chief of police may require an employee to undergo a medical examination when it appears the employee's physical or mental condition is such that it adversely affects the employee's ability to perform his duties.

3. When an employee is required to undergo a medical examination, the Department of Employee Relations will send a notice to the employee to schedule an appointment with the physician currently utilized by the department. The medical examination form has a medical history section, which shall be filled out by the employee prior to the examination.

4. After the examination the department physician shall return the form to the Department of Employee Relations with a recommendation as to the employee's fitness for duty, any further tests, which the physician may recommend, and a statement of any conditions which would limit the employee's performance.

5. If the department physician determines, in the course of the examination, that the employee is unfit for duty or that there are limiting conditions which could affect the employee's performance, then he will personally so notify the Department of Employee Relations Risk Manager. The Risk Manager shall then arrange for notification of the concerned employee's division commander.

C. Rule

1. All employees of the department shall submit to a medical examination if required or whenever ordered to do so by the department.

2. Medical examinations required or ordered by the department shall be paid for at City expense.
B. Procedure

1. Essential Functions Examination

In 1994, Stanard and Associates, Inc. developed an "essential functions" test with the aid of several Lakewood police personnel. This physical ability examination measures job-related physical skills, which are necessary for successful performance as a police agent. All applicants selected for hire, as recruit police agents must pass the "essential functions" examination by accomplishing the designated tasks within the established time limits, thereby demonstrating their ability to perform the essential functions of the job.

Sworn personnel who have failed to pass the department’s Physical Fitness on their second attempt, or have been on "alternative" duty for 180 days or longer, and others so deemed by the Duty Fitness Board may be required to pass the "essential functions" examination before being considered "fit for duty."

2. Physical Fitness Test

All sworn personnel, at the rank of agent and sergeant, shall take the department’s Physical Fitness Test on an annual basis. This is a different test than the "essential functions" examination. The Physical Fitness Test is comprised of four components, a 3 minute step test, flexibility (sit and reach), bench press and sit-ups. The test is gender and age specific, in contrast to the "essential functions" examination. The Cooper Institute norms for age and gender testing are used to determine the 51st percentile for every sworn employee. Personnel need to obtain a 51st percentile score for each individual component of the test in order to successfully pass.

Individuals who fail the Physical Fitness Test will have ninety (90) days to retake and pass the test. During that time, those individuals are encouraged to actively work with the department’s Physical Fitness Assessors, or with representatives from the City’s Wellness Program, which will be paid for by the Police Department. Should the employee fail to pass the Physical Fitness Test on the second attempt, the employee will be required to take the Essential Functions Examination. Prior to that examination, however, the employee must obtain the approval of either their personal physician, or that of the physician with whom the City contracts, to determine if the "essential functions" test would put the individual at risk. If not, the "essential functions" examination will be administered to determine the individual’s ability to perform the essential functions. Failure to obtain physician approval, or failure to pass the subsequent Essential Functions Examination, will result in the initiation of the Duty Fitness Review process.
3203 PHYSICAL FITNESS TESTING

B. Procedure

1. A physical fitness test shall be given annually to all sworn personnel, at the rank of agent and sergeant, by designated physical fitness specialists. All sworn personnel shall appear for testing on a designated testing date.

2. The Lakewood Police Department fitness reporting form shall be used for reporting the results of the physical fitness evaluation. A copy of the completed test form and medical waiver, if applicable, shall be used for reporting the results of the physical fitness evaluation. The original documents shall be maintained by the Training Unit.

3. Those members unable to participate in any part of the physical fitness evaluation due to medical reasons shall obtain a memorandum from a licensed physician indicating the reason for their not participating. The individual sworn member shall take the physician's memorandum to the testing site on the day the member is scheduled for physical fitness testing. The department may require an agent to obtain a medical examination at the department's expense, to determine general health and detect any medical problem that may be detrimental to the sworn member.

4. The Professional Standards Section shall be responsible for the administration of physical fitness assessments.

C. Rule

1. All Lakewood Police Department sworn personnel, at the rank of agent and sergeant, shall participate in the physical fitness testing process.

3204 DUTY FITNESS REVIEW BOARD

B. Procedure

1. A departmental Duty Fitness Review Board is established to make determinations of an employee's fitness for duty, in accordance with applicable City of Lakewood Personnel Rules and Regulations, and Lakewood Police Department Policies and Procedures.

2. The Duty Fitness Review Board shall be composed of the Police Department command staff.

3. A fact-finding team shall be composed of the section commander of the Professional Standards Section or a designee, and other persons as are necessary to investigate the disability claim, including a representative from the Department of Employee Relations.

4. In reviewing the facts to determine an employee's fitness for duty, the
command staff may, to the extent necessary, consider the circumstances resulting in the injury, illness, or condition of the employee, all available medical reports, and any other material deemed pertinent.

5. The responsibility of the Duty Fitness Review Board extends to all cases (job-related or non-job-related) where there is a concern that an employee's physical or mental condition is such that it adversely affects the employee's ability to perform the essential functions of the employee's position.
   
a. The primary criteria in determining an employee's fitness for duty is that the employee be able to return to full duty and perform all the essential functions of the employee's occupational classification.
   
b. The very nature of the department's mission and limited resources prevents the development of permanent alternative duty assignments.
   
c. The minimum criteria for all sworn personnel is the ability to perform the duties in a patrol assignment, i.e., "essential functions examination."
   
d. Each case shall be considered individually and must be reviewed in the context of the employee's occupational classification, extent to which the employee's condition has impacted his ability to perform the job, desire of employee, medical prognosis for recovery, and best interest of the organization.

6. A member of this department, no matter what rank or position, will be deemed to be physically/mentally fit for duty once hired in this department unless one of the following occurs:
   
a. It is obvious that an individual exhibits some form of physical/mental injury or illness that precludes him from performing his job on a day-to-day basis. At that time, the Alternative Duty Guidelines adopted by the City shall become effective.
   
b. A supervisor recommends that an employee undergo scrutiny as to his duty fitness for some observable reason or due to employee conduct, which causes a question as to fitness for duty.
   
c. Since there is a safety factor for the individual and the public inherent in a sworn member's ability to physically perform the job, a sworn employee's failure to obtain a passing score on the physical fitness test will require the employee to retest within 90 days. Failure to achieve a passing score on this retest and on a subsequent Essential Functions Examination, will require that the process of duty fitness review be initiated as noted in Section 3202 B. 2 above.

7. If any of the above circumstances occur, a Duty Fitness Review Board will
be initiated. The Board, at its sole discretion, will make one of the following determinations:

a. Employee is fit for duty.

b. Employee to be granted a leave of absence in accordance with City policy.

c. Request additional information.

d. Place the employee in alternative duty in accordance with City guidelines.

e. Require that a sworn employee be assessed for duty fitness through the "essential functions" physical ability examination. The individual will be required to undergo a medical examination by a doctor to determine if the "essential functions" test would put the individual at risk. If not, the "essential functions" examination will be administered to determine the individual's ability to perform the essential functions. A determination as to duty fitness will then be made.

Whenever a sworn person is unable to perform his or her regularly assigned job for more than six months, whether on alternative duty or not due to illness or injury (duty-related or not), the Duty Fitness Review Board will make the determination of whether the situation necessitates passing the essential functions test prior to returning to a regular duty status. If the injury or illness may have affected the employee's strength or mobility, then the essential functions test will be required. The six-month time frame will commence at the onset of the condition wherein the employee can no longer perform the job assignment. Should a condition exist for an employee who has been off the job for less than six months and the Duty Fitness Review Board believes the situation necessitates passing the essential functions test due to concerns regarding the employee’s strength or mobility, then that test will be required.

e. Termination for medical reasons.

8. In the case of a police agent who continues to work during her pregnancy, it may become necessary to evaluate the employee's ability to perform the essential functions of the employee's position to the extent the employee's pregnancy creates a safety risk to the employee, co-workers, and/or the public. The department will discuss the issue with the employee and attempt to achieve a reasonable temporary solution.

a. The pregnant agent will be given the opportunity of continuing in her current assignment. When, she can no longer perform the essential functions of the position to the extent that the employee's pregnancy creates a safety risk to the employee, co-workers, and/or the public, the pregnant employee may be
temporarily reassigned to another position.

b. If upon discussion with her supervisor, the pregnant police agent requests reassignment from her current assignment, the reassignment will occur as circumstances warrant.

c. This temporary reassignment will be to a position, which is deemed to be in the best interest of the police department. This temporary solution will not include a reassignment to the patrol division as a patrol agent assigned to routine patrol duties or as a desk agent.

d. If a sworn employee has not taken the Physical Fitness Test within the last year due to her pregnancy, the employee shall take the test within 30 days of returning to full duty. As required of all sworn personnel, individuals who fail the Physical Fitness Test will have ninety days (90) to retake and pass the test. Failure to pass the Physical Fitness Test on the second attempt will result in the initiation of the process outlined in Section 3202 B. 2. above.

9. An employee whose physical or mental condition requires an extended disability or worker’s compensation leave shall be transferred to another division if appropriate.

10. The Professional Standards Section shall be responsible for coordinating the employee’s status with the Department of Employee Relations.

C. Rule

An employee’s past performance is not a factor in determining fitness for return to duty and shall not be considered, except as to the extent to which the employee’s condition impacts on performance.

3205 Drug Testing for Applicants and Employees

A. Policy

The Police Department is the most conspicuous unit of local government. To the majority of people it is a symbol of stability and authority upon which they may rely. Effective law enforcement depends on a high degree of trust and cooperation between the department, the public it serves, and other public agencies. The public demands that the integrity of its law enforcement personnel be above reproach. The dishonesty of a single department member may impair public confidence and cast suspicion upon the entire department. In addition, the stresses of law enforcement and the potential liability attached to every action taken under the color of his authority require an employee to be mentally alert and physically responsive.

Therefore, the Police Department has adopted this written policy to ensure an employee’s fitness for duty as a condition of employment; to ensure drug tests are ordered based on reasonable suspicion following a written policy and procedure; and to ensure that the employee knows drug testing is a condition of employment.
B. Procedure

1. All potential sworn employees, as part of the final screening process, shall undergo a physical examination by the department's contract physician. Included, as part of the examination shall be the screening for the presence of drugs. The results of the examination shall be evaluated along with results of all the other phases of the selection process in determining the most qualified candidates. Potential civilian employees shall also be required to submit to a drug screening.

2. When an employee or applicant is required to submit to a drug test, every effort shall be made to preserve the dignity of the individual employee and maintain confidentiality of the subsequent investigation to protect the individual from unjust treatment.

3. Drug testing shall occur only in the following circumstances:
   a. During the screening and hiring process for potential employees.
   b. When reasonable suspicion exists that an employee is using illegal drugs, abusing prescription drugs, or is impaired in his ability to perform his duties due to drugs, including alcohol.
   c. During an assignment to the West Metro Drug Task Force pursuant to the Task Force policies and procedures.

4. For employees, tests are conducted based upon the existence of reasonable suspicion. EXCEPTION: Random testing may be conducted only as a condition for participation in the West Metro Drug Task Force.
   a. The decision to require a test shall be made by a member of the department at the rank of Commander or above.
   b. Prior to the testing, the grounds supporting the reasonable suspicion shall be fully disclosed to the employee and the employee shall be given an opportunity to explain his conduct. The employee should be questioned as to whether he is taking or had recent exposure to any prescribed or non-prescribed drugs or chemicals.
   c. If it is determined that a test will be completed, the decision-maker shall complete an AIC report and articulate the facts which constitute reasonable suspicion. He shall contact the Internal Affairs Unit and obtain a formal Internal Affairs number. This number shall be used in place of the employee's name when labeling test products.

5. Testing procedure
   a. If alcohol is suspected, a breath test shall be administered utilizing departmental equipment. The test shall be administered by a certified operator and the procedure for completing breath testing
followed, including booking the sample into property.

b. If alcohol is not the primary substance suspected, a urine or hair examination shall be used.

c. Urine testing

(1) Obtain a urine test kit from the armory.

(2) Select a bathroom, which is secluded from the general public, and limit the access of other employees.

(3) A member of the same sex as the employee shall accompany the employee into the bathroom for indirect monitoring. (Subject in stall while person administering the test listens for the normal sounds of urination.) Direct observation may be required if the decision-maker suspects that the employee is attempting to substitute or tamper with the urine sample. After the sample is obtained, the directions contained in the urine kit are followed.

(4) If an employee is unable to provide a urine sample, he shall be monitored until a sample is provided. The employee shall be under direct observation until the sample is obtained.

(5) If an employee refuses to provide a sample, he shall be advised of the consequences of insubordination and immediately suspended with pay.

(6) After the sample is obtained, the employee shall be driven home, if necessary, and assigned there pending the completion of the investigation.

(7) The urine kit shall be kept by the Property Control Unit until transported to the testing facility by Internal Affairs personnel.

(8) An EMIT (Enzyme Multiplied Immunoassay Technique) test will be completed by an independent certified laboratory during pre-employment screening and when reasonable suspicion exists. If the EMIT test is "positive," a gas chromatograph/mass spectrometer test (GC/MS) shall be used to verify the EMIT test. A second sample shall be maintained and available to the employee for testing by a laboratory of his choice at his own expense.

(9) The sample obtained through this administrative procedure is not intended for use in the enforcement of criminal laws and shall not be used as evidence against the employee in criminal proceedings.