
	GAITHERSBURG POLICE DEPARTMENT		
	Physicals, Physical Fitness and Wellness		
	GENERAL ORDER	202.2	
	Effective Date	10/19/2022	22.2.1, 22.3.1, 22.3.2
Authorized by:		Mark P. Sroka CHIEF OF POLICE	SIGNATURE
			DATE 10/19/2022

1. PURPOSE

The purpose of this directive is to establish policy that reflects the Department’s commitment to the health and fitness of its employees. This policy also outlines procedures established to assist employees with ongoing wellness and physical fitness programs, defines categories pertaining to fitness for duty, and provides direction for the safe and effective utilization of personnel in various fitness categories.

2. POLICY

It is Department policy that all employees maintain a level of fitness that permits them to safely and effectively perform essential job functions. Wellness and education programs are offered to assist employees in maintaining good health. Department supervisors monitor work performance, attendance records, and any other signs that may indicate personnel under their supervision are experiencing potential health or health related problems. The Department may elect to have an employee scheduled for a fitness for duty examination, when potential health related concerns exist.

3. DEFINITIONS

3.1. Disability: Within the context of this directive, the term “disability” is applied in accordance with Worker's Compensation Law, and applicable City personnel regulations and policies.

3.2. Full Duty: Within the context of this directive, the term “full duty” applies when an employee is able and authorized to fully perform all duties and meet all responsibilities required of the position to which the employee is appointed.

3.3. Health Concern or Condition: Within the context of this directive, the term “health concern” or “health condition” may apply interchangeably to conditions and concerns that are physical and/or emotional in nature. Evaluation and treatment of such conditions should be pursued through practitioners licensed in the appropriate discipline.

3.4. Light Duty: Within the context of this directive, the term “light duty” applies when an employee becomes incapacitated, such that duties essential to the

position cannot be performed without presenting an unreasonable risk to the health or safety of the employee and/or others, however the employee remains capable of performing other tasks essential to the Department.

- 3.5. Temporary No-Duty:** Within the context of this directive, the term “temporary no-duty” applies when an employee becomes temporarily incapacitated, such that duties essential to the position cannot be performed without presenting an unreasonable risk to the health or safety of the employee and/or others, and is unable to perform other tasks essential to the Department. For example, an employee on sick leave or disability would fit this criterion.

4. PROCEDURE

4.1. Assignment of Duty Status

- 4.1.1. Unless otherwise advised or reported, employees are considered to be on full duty status.
- 4.1.2. When an employee submits a physician’s certification to the Chief of Police, via chain of command, describing a condition that temporarily prevents the performance of essential job functions, the employee may be placed on light duty or temporary no-duty status, as appropriate.
 - 4.1.2.1. Employees on light duty status may be assigned to perform other duties deemed compatible with their condition.
 - 4.1.2.2. Sworn employees on light duty status may be relieved of all law enforcement responsibilities, for the purposes of relieving the legal requirement to take police action in certain circumstances. This is a non-punitive measure, taken in the interest of the safety of the employee and others.
 - 4.1.2.3. The Chief of Police may require a sworn employee to surrender the Department issued firearm, vehicle, and other equipment, until the employee returns to full duty status. This is a non-punitive measure, taken in the interest of the safety of the employee and others.
 - 4.1.2.4. Before returning to full duty status, an employee may be required to submit to a physical and/or psychiatric evaluation to determine the employee’s fitness for duty. Department ordered evaluations will be conducted by a physician selected by, and at the expense of, the City.
 - 4.1.2.5. The Chief of Police may require a physician’s statement

attesting that the employee's temporary condition prevented the employee from reporting for full duty.

- 4.1.2.6. In cases involving an absence of four or more days relating to injury or illness, the employee shall submit a statement by a physician, or other licensed medical or dental practitioner, attesting that the employee's temporary condition prevented the employee from reporting for full duty.
- 4.1.3. If an employee believes she cannot perform her current assignment due to pregnancy, she shall notify her commanding officer. The Department will take no action with respect to a pregnant employee's assignment unless and until she so requests, in writing, and provides medical certification that she cannot perform duties essential to the position without presenting an unreasonable risk of health or safety to herself and/or others. At that time, the Department and her commanding officer shall explore with her all possible means of providing a reasonable accommodation.
 - 4.1.3.1. Medical certification includes a letter from the employee's health care provider and other evidence as requested that concerns the medical advisability of a reasonable accommodation and identifies the date the reasonable accommodation became medically advisable, the probable duration of the needed accommodation, and an explanatory statement as to the medical advisability of the accommodation.
 - 4.1.3.2. If the employee remains capable of performing other tasks essential to the Department, her job duties may be changed and she may be assigned "light duty" assignments consistent with any medical limitations identified by her health care provider.
 - 4.1.3.3. Other means of reasonable accommodation may include, but are not limited to: changing the employee's work hours; relocating the employee's work area; granting leave; providing the employee with other equipment, uniforms, mechanical or electrical aids; or allowing the employee to drive an unmarked personal patrol vehicle (PPV), dependent upon availability of an unmarked patrol vehicle.
 - 4.1.3.4. Reasonable accommodation may also include transferring the

employee to a less strenuous or less hazardous position, as long as such tasks are essential to the Department or City and if such a transfer would not require the Department to (i) create additional employment that the employer would not otherwise have created, (ii) discharge any employee, (iii) transfer any employee with more seniority than the employee requesting the reasonable accommodation, or (iv) promoting any employee who is not qualified to perform the job.

- 4.1.4. When the pregnant employee believes it is not safe for her to work, such that she cannot perform duties essential to her position without presenting an unreasonable risk to the health or safety of the employee and/or others, and she is unable to perform other tasks essential to the Department, she shall:
 - 4.1.4.1. Request a leave of absence, at which time she may be assigned temporary no-duty status; and ~~She shall~~
 - 4.1.4.2. Provide a medical certification from her health care provider and other evidence as requested which verifies her condition, expected delivery date, and fully evaluates her physical ability or inability to perform regular police duties.
- 4.1.5. The employee shall be considered for light duty or temporary no-duty status based on the medical evidence and assessment of her work capacity, physical condition, risk of harm to herself and/or others in the performance of her job duties, and her overall ability to perform tasks essential to the Department.
- 4.1.6. She will not be subject to discrimination on the basis of pregnancy or anticipated pregnancy, and any restricted duty assignment.

4.2. Wellness

- 4.2.1. The GFit Wellness Program is a healthy lifestyle incentive program to help full time employees take an active role in preserving good health and improving their overall quality of life. The program offers quarterly reimbursement, as determined by City policy, for eligible expenses.
- 4.2.2. The City offers various wellness and health education opportunities throughout the year, at little or no expense to employees. Among these

programs are:

- 4.2.2.1. An annual Wellness Day that features a variety of activities and information;
- 4.2.2.2. Flu vaccine clinics;
- 4.2.2.3. Smoking cessation;
- 4.2.2.4. Target heart rate fitness class;
- 4.2.2.5. Reduced cost Weight Watchers @ Work program;
- 4.2.2.6. Blood pressure, body composition, lung capacity, cholesterol and glucose screenings.

4.3. Physical and Mental Health Assessments

- 4.3.1. Physical examinations of employees are conducted during the hiring phase and when the Chief of Police deems a “fitness for duty” assessment to be necessary.
 - 4.3.1.1. The City covers all costs associated with exams and evaluations that are required of the employee and selects the physician or other licensed practitioner that will conduct the examination.
- 4.3.2. As a condition of certification, a sworn officer shall submit to:
 - 4.3.2.1. A mental health assessment every two-years; and
 - 4.3.2.2. An annual [Physical Agility Assessment](#) as determined by the Maryland Corrections and Police Training Commission.
- 4.3.3. When notified of a scheduled examination, officers will appear for the examination as they would any other assignment.
 - 4.3.3.1. If a scheduling conflict exists, the officer will notify his or her supervisor to ensure that the appointment is rescheduled.
 - 4.3.3.2. Failure to appear, after being notified of the examination appointment, may subject the officer to disciplinary action.