



POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **MEDICAL CIRCUMSTANCES**

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RESCINDS

AMENDS

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STANDARDS: 2.4.5, 2.4.6

SCOPE: All Department Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE:

INDEX AS: Accommodations
Breastfeeding
Employee Assistance Program
Employee Services Unit
Lactation
Light Duty
Maternity Leave
Medical Examinations
Officer Pregnancy
Physical Fitness
Temporary Assignments

PURPOSE: The purpose of this Policy & Procedure is to reduce the incidents of injury on the job and improve the health and quality of life each member of the Sturgeon Bay Police Department; to also identify the Department's employee assistance programs, and set forth a system that can be used for employees that may be in need of assistance or remedial actions to increase their career development, and provide a further opportunity to meet the agency's values and mission; and to provide guidance for officer pregnancy areas and light duty situations.

This policy further ensure that no cost will be passed on to any employee required by the Department to obtain a physical, medical or psychological examination.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURE
- IV. OFFICER PREGNANCY
- V. LACTATION

I. POLICY

- A. It is the policy of the Sturgeon Bay Police Department to provide, maintain, and update all employee benefits regarding Department and/or City medical circumstances.

II. DEFINITIONS

- A. LIGHT-DUTY: Shall include, but is not limited to, tasks related to administrative duties, desk assignment, dispatcher relief, and clerical functions. Light-duty shall not include handling of prisoners or combative subjects. Sworn personnel shall perform light-duty solely within the police facility. Civilian light-duty, if unavailable at the Police Department, may be assigned to an alternative city job site.

III. PROCEDURES

A. Medical Examinations

1. If physical, medical, or psychological examinations are required by the City and/or Department, the City and/or Department will bear the cost rather than the employee.
2. There are no exceptions to this policy whether the examination is required by written order, mandated by memorandum, or given by oral command.
3. Any Department ordered examination should be conducted only to confirm the employee's continued fitness to perform the tasks of his/her assignment, and to inform him/her of his/her general conditions, not to identify employees with disabilities who are otherwise able to perform their assigned duties with or without reasonable accommodation.
4. Employees are encouraged to undergo a periodic physical examination as a benefit to the employee and the Department. Physical examinations

are used to determine an officer's fitness for duty, and to develop a fitness program to correct areas of deficiency.

5. Physical examinations for sworn personnel less than 35 years of age are encouraged every five (5) years after the initial physical examination, every two (2) years after the age of thirty-five (35), and sworn personnel who have reached their 40th birthday will be encouraged to undergo bi-annual physical examinations by a licensed physician of their choice.
6. Where the apparent physical or medical condition of a sworn employee indicates a possible detriment to performance of assigned duties, the Department may require a physical examination of the employee by a Department selected physician, at Department expense, if the employee refuses private examination. The results of the required medical examination will be entered into personnel records, and may constitute grounds for further personnel action.
7. Non-sworn employees are encouraged to undergo at least a bi-annual medical examination. Should apparent physical or medical problems indicate that the Department may require such examination as a requisite to continued work performance, the Chief of Police may, at his/her discretion, order such examination by a Department selected physician at Department expense. Such examination results will be entered into the employee personnel record, and may constitute the basis for further personnel action.
8. Physical examinations performed by the Department's physician, which are requested by the Department, shall be paid for at no cost to Department personnel.
9. Physical examinations will be requested in the following increments:
 - a) As part of the police officer selection process, police applicants will undergo a thorough medical examination prior to being selected for employment. This is to determine general fitness to perform the tasks of their assignment, not to identify employees with disabilities.
 - b) Any Department employee who is 55 years of age or older and assigned to work field or patrol assignments.
 - c) The Chief of Police may require an employee to undergo a medical examination whenever he has reason to believe there is a medial or physiological condition present that may affect the employee's ability to successfully perform his/her job.

10. In the event an employee selects a personal physician, the fee should be paid by the employee, and the results are subject to review and confirmation by an agency-selected physician.
11. The Chief of Police may request personnel to be subject to physical examinations earlier than their scheduled appointment, if he/she believes that satisfactory levels of general health and physical fitness are not being maintained properly, or if a general health and physical fitness problem is discovered in between regularly schedules physical examinations.
12. Vaccinations: The City of Sturgeon Bay shall ensure that all police employees, full or part-time, are current with their vaccinations for Hepatitis B, according to Federal and Wisconsin State Laws. Employees shall also be offered Tetanus and Tuberculosis vaccinations, at the employee's expense, as well.

All vaccinations will be administered at the Door County Health Department, unless prior authorization by the Chief.

B. Physical Examinations

1. These examinations will include base-line testing to assist in determining the individuals' continued fitness to perform their duties. Additional studies, such as stress EKG testing or chest x-rays may be required to determine the individual's fitness based upon risk factors, or other information obtained from the physical examination.
2. Additional Testing
 - a) Additional tests or studies medically indicated by the physical examination will be processed through the City of Sturgeon Bay Health Insurance Carrier, and all deductibles and limits will apply. All costs for such additional testing not covered by insurance are the responsibility of the employee or volunteer.
3. Inability to Perform Duties
 - a) Department personnel determined not to be able to perform their duties may be assigned to temporary light-duty status, and schedules for physician prescribed activity for a period not to exceed ninety (90) calendar days, in order to have an opportunity to correct any fitness problems.
 - b) At the end of a period of light-duty, the employee or volunteer will be reexamined by the designated physician, at which time he/she may return to full-duty, or upon approval of the Chief of Police,

remain on light-duty status for not longer than an additional ninety (90) calendar days.

- c) Employees who are not assigned to light-duty may be entitled to leave under the Family and Medical Leave Act.
- d) At the conclusion of any period of light-duty and leave of absence, any personnel who are still unable to perform the duties of their position will be removed from that position. They will be considered for the filling of vacancies in other positions, but if they are not chosen to fill some other position, their employment will be terminated.

C. Physical Fitness

Physical fitness should be a personal goal of every employee of the Sturgeon Bay Police Department. Personnel are expected to understand and comply with the standards of physical fitness and general health. Standards have been shown to be directly related to the tasks performed, and not to eliminate or penalize employees who can otherwise perform the task of their assignment, with or without reasonable accommodation.

Each employee of the Department is expected to maintain a level of general health and physical fitness that ensures satisfactory job performance, and decreases the chance of injury or illness and excessive sick leave.

1. Specified Personnel

- a) Applicants for general employment such as new hires for clerical or civilian positions are required to complete a physical examination that involves specific tests as designated by the Personnel Office.
- b) Applicants for Civilian Service Employees are required to complete a physical examination, and a physical agility test as specified by the Personnel Office.
- c) Applicants for Police Officer are required to completed a physical examination and a physical agility test. Test specifics are available through the Training Division or the Personnel Office.
- d) Current employees are encouraged to seek annual physical examinations, and to maintain physical agility standards.

2. General Health

- a) Orders regarding sick leave and medical examinations will be adhered to.
- b) Physical fitness programs and alternatives are available through a number of sources including the Training Division.

3. Exercise Facilities

- a) A complete exercise facility is available at the Sturgeon Bay Police Department, and all sworn and non-sworn personnel are encouraged to utilize this facility to their benefit.

4. Standards of Fitness

- a) All employees of the Department who are 55 years of age or older, and are primarily assigned to work field or patrol assignments are required to complete a physical examination at least every two years. This examination will be conducted by a certified medical doctor.
- b) Police officers in field assignments and in patrol must possess a level of fitness, and general health that allows them to adequately perform physical tasks they may encounter on the job.

These activities may include, but are not limited to: Climbing obstacles, running after suspects, running upstairs, jumping over obstacles, lifting heavy objects or persons, subduing persons resisting arrest, operating a motorcycle, and physically pushing movable objects.

- c) Employees under the age of 55 and assigned to work field or patrol assignments are encouraged to seek the advice of their personal physicians and receive periodic physical examinations.

5. Criteria Used for Determining Satisfactory Levels of General health and Physical Fitness

- a) The Chief of Police shall rely on the medical advice of the Department's physician as to the criteria used to determine general health and physical fitness levels to be maintained by Department personnel.
- b) If the Department's physician points out areas of deficiency (e.g. high blood pressure, obesity, stress symptoms, etc.) the officer will be made aware of these deficiencies and shall be strongly encouraged to correct them through a general health and physical fitness program.

IV. OFFICER PREGNANCY

- A. It is the policy of the Department to establish procedures to modify full-duty assignments, and when needed, provide temporary, alternative-duty assignments to eligible pregnant law enforcement officers when they are unable to safely perform all of the essential functions of their normal assignments without unfairly burdening other employees, and without violating antidiscrimination law.
- B. This Policy & Procedure shall apply to all sworn female Department personnel.
- C. This Policy & Procedure is not intended to interfere with or diminish any rights or privileges to which an employee may be entitled under federal, state, or local law, and any other agency policy or collective bargaining agreement.
- D. If an employee is unable to work in any capacity due to medical complications, existing leave policies will apply
- E. Procedures
 - 1. The Department will provide options that allow a pregnant officer to continue working in her regular-duty assignment or a temporary light-duty assignment for as long as reasonably possible. The Department will ensure the pregnant employee's rights to work while guarding against the risks inherent in the performance of her duties.
 - 2. An officer who becomes pregnant shall notify the Chief of Police or designee as soon as practicable upon confirmation, and decision to continue the pregnancy.
 - a) Upon notification, the employee must provide written documentation by a physician, including the anticipated due date, if possible.
 - b) The Chief of Police or designee will maintain the confidentiality of this information to the extent permitted and required by law. The information may be provided to a physician appointed by the City or to the Department command staff when it is necessary to comply with this directive.
 - 3. Full-Duty: During a term of pregnancy, the officer may continue to perform her usual, full-duty assignment until she cannot perform the essential functions of a police officer.

- a) Employees must confer with their personal physicians, providing him/her with the Department's job description that delineates the essential job functions of law enforcement officer, and a copy of this Policy & Procedure. It would also be beneficial for the physician to review the "Pregnancy" chapter of the ACOEM (American College of Occupational and Environmental Medicine) Guidance for the Medical Evaluation of Law Enforcement Officers.
 - b) Both the physician and the employee are expected to consider the risks and benefits of remaining on fully-duty status. The Department will not require an officer to accept a maternity-duty assignment at this stage or take leave, absent a compelling medical or public-safety reason.
 - c) The Department will make reasonable efforts to avoid assigning full-duty pregnant employees to assignments where they are likely to encounter hazardous, toxic chemicals. This includes, but is not limited to, raids on clandestine labs, intensive traffic enforcement, chemical drug testing, etc. assignment of pregnant officers to units in which the work involves a high likelihood of suffering trauma should also be avoided.
 - d) The Department shall temporarily exempt the pregnant employee from firearms qualifications. Simulation training and testing can be used a preferred alternative to live-fire qualification.
 - e) The need for uniform and equipment modifications during the pregnancy will be considered, and accommodations shall be made to the extent possible.
4. Maternity Duty: As indicated above, a pregnant officer will continue her full-duty assignment until she cannot perform the essential job functions of a police officer. However, upon written recommendation of a physician, a pregnant officer may request temporary reassignment to maternity duty.
- a) In addition to an officer's request for maternity duty, the Department may have occasion to evaluate the pregnant officer's ability to safely and effectively perform the essential functions of her job. In determining whether the officer can perform essential functions, the Department may consider whether the officer's condition creates an undue safety risk to the officer, fellow officers, or general public.

- b) The Department may consult with the officer's physician or request a consultation by a Department-approved physician. The consultation shall be limited to a review of the officer's medical records, which must be provided by the officer, and consultation with the officer and/or her personal physician. If the Department concludes that the officer's pregnancy unreasonable interferes with her ability to perform full-duty activities, the Department may assign the officer to maternity duty.
 - c) Maternity duty will not include work that involves the likelihood of encountering toxic chemicals, such as raids on clandestine drug labs or intensive traffic enforcement, or work that involves a high likelihood of suffering trauma.
 - d) Absent specific medical considerations, employees working maternity duty shall continue in a full-time working status. Consideration will be given to allowing for part-time assignments of employees whose medical condition may warrant such accommodation.
 - e) An officer working in a maternity duty status may retain possession of an agency-issued firearm.
 - f) Maternity Duty Defined:
 - (1) Maternity duty may consist of, but is not limited to, the following: nonhazardous assignments, writing police reports, operating a police radio, interviewing persons, and/or clerical functions.
 - (2) Maternity duty assignments should avoid the following: alternative shift work, defensive tactics or defensive tactics training, firearm training (except simulated training), patrol duties, extensive exposure to automobile exhaust fumes, standing for more than 30-minute intervals, lifting more than 25 pounds, exposure to high concentrations of toxins, chemical or infectious agents, or controlled dangerous substances.
5. The agency will consider any specific restrictions identified by the employee's physician.

Temporary reassignment of eligible pregnant members to maternity duty will be made consistent with the operational needs of the Department.

6. A pregnant officer shall be permitted to work as long as she is able to perform her job duties. If the pregnant employee becomes unable to perform the tasks of the maternity duty assignment, the Department may require the officer to take leave in compliance with the Family and Medical Leave Act and other applicable law(s). If an officer is temporarily absent from work as a result of a pregnancy-related issue, and the officer recovers, the Department shall not require the officer to remain on leave until the child's birth.
7. An officer may elect to take leave because of a pregnancy-related medical issue. The officer may take such leave if medically warranted, and in accordance with the Department regulations and procedures. The pregnant officer shall be treated the same as any other employee seeking leave because of any other physical or medical condition.
8. During the course of her pregnancy, the pregnant officer will retain possession of her firearm, however, once notified of the pregnancy, the Department shall exempt the officer from firearms qualifications during the course of the pregnancy.
9. Employer's Responsibility: Upon returning from maternity leave or an extended placement on maternity duty, the employee's commanding officer shall meet with the employee and conduct a reintegration interview. From that interview, a reorientation program shall be developed for the individual employee that takes into consideration the unique circumstances of the particular employee. For example, an officer returning from maternity leave may have been exempt from firearms qualification for approximately one year. In such cases, the officer's reintegration program should include firearms training/qualification prior to being assigned to the field.
10. Employee's Responsibility: When an employee who has been on an extended absence of 30 calendar days or longer due to pregnancy plans to return to work, she shall:
 - a) Request to meet with her shift supervisor immediately upon returning to work;
 - b) Provide documentation of medical fitness for duty; subject to review by the agency's medical advisor;
 - c) Assist her shift supervisor in identifying her individual needs, which may or may not include accommodations needed for lactation, such as a private room and use of a refrigerator, and

limits exposure to toxic levels of heavy metals and other chemicals; an

- d) Accomplish all reintegration tasks as directed by her shift supervisor

V. LACTATION

- A. It is the policy of the Department that when a female employee returns to duty after the birth of a child, she shall meet with her shift supervisory to discuss her individual needs, such as accommodations for lactation.
- B. Federal law requires an employer to provide reasonable break time for an employee to express breast milk for her nursing child for one ear after the child's birth each time an employee has need to express milk

The female employee will typically express milk at approximately the same time she would when she would be nursing at home. It is optimal that the times be consistent whenever possible, but shall be understood that these times will have to be somewhat flexible due to the unpredictable nature of law enforcement duties.

- C. When an officer is assigned to a call that allows for another officer to briefly take over, the nursing officer shall notify Dispatch of her need to be temporarily relieved. The nursing officer will then be relieved from the assignment for a reasonable amount of time to allow her to express milk. The officer shall then immediately return to her previous assignment.
- D. Under the Patient Protection and Affordable Care Act, an employer must provide a place, other than a bathroom, for the employee to express breast milk. This location must be shielded from view and free from intrusion from coworkers and the public.
- E. The approved employee lactation location for the Department is the women's locker room. This location is private, since it has no windows or security cameras. It is recommended the employee place a sign on the door indicating the locker room is "in use" while the employee is using the room to express milk. In the locker room, there is an electrical outlet available, access to running water, and a bench on which to sit.
- F. If the officer resides in the city, it shall be allowed that the officer respond to her home to either nurse her child or express breast milk. It is mandatory for the nursing mother to have prepared the childcare provider with bottles of milk/formula for the duration of her shift in the event she is unable to respond to her residence to nurse.

- G. Upon returning to work after the birth of a child, the employee must notify her shift supervisor of her decision to breastfeed.
- H. It is required that an officer advise Dispatch when she will be unavailable, whether at the station or at her residence. The officer is to keep her portable radio on and hear her during this time.
- I. If there is an emergency situation, the officer shall leave during (if possible) or after expressing milk, and return at a later time to clean up the equipment.
- J. It is recommended for the nursing mother to utilize her own ice pack, and/or storage container for containing the expressed milk.
 - 1. In the event these items are not available, a small refrigerator will be provided by the Department for the women's locker room.
 - 2. The refrigerator will be in the locker room for the duration of the time the nursing mother is expressing milk.
 - 3. Those using the refrigerator are responsible for keeping it clean.
 - 4. When there is no longer a mother nursing, the refrigerator will be removed and stored in a secure location.
 - 5. This refrigerator will be used solely for the storage of breast milk, not for lunches or other items.

Arleigh R. Porter
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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