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To: CSU Presidents

Supersedes: HR 2003-02

From: Jackie R. McClain
Vice Chancellor
Human Resources



Subject: **CSU Police Personnel: Fitness for Duty**

The California State University (CSU) Police Personnel Fitness for Duty policy has been updated to clarify that both police chiefs and campus human resources directors coordinate fitness for duty tests, and that medical information maintained in the personnel file must be employment-related. For ease of reference, new text is underlined.

The CSU Police Personnel Fitness for Duty policy establishes procedures to ensure compliance with California Government Code §1031(f) which mandates that all peace officers in the State of California shall be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the peace officer powers.

All supervisory police employees are to be trained to recognize any indication(s) that a sworn officer under their command may not be physically, emotionally and/or mentally fit to carry out his or her duties as an armed peace officer. Any supervisor observing any circumstance(s) indicating a question exists as to the physical, mental and/or emotional fitness of an officer is to prepare a written report indicating all such circumstances to the campus police chief. Such indications include, but are not limited to, the following:

- One or more civilian complaints, whether generated internally or externally, particularly complaints of the use of unnecessary or excessive force and/or inappropriate verbal conduct indicating a possible inability to exercise self-control and self-discipline;
- An abrupt change in customary behavior;
- Excessive lateness and/or absenteeism;
- Sleeping on duty;
- Overeating or failing to eat;

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- Apparent inattention to personal hygiene;
- Inappropriate and/or excessive use of alcohol or other stimulants;
- Symptoms of use of drugs, including memory losses;
- Impatience or loss of temper;
- A pattern of conduct indicating a possible inability to defuse tense situations and/or a tendency to escalate such situations or to create and/or escalate confrontations;
- Irrational verbal or other conduct;
- Involvement in a shooting or involvement in an incident resulting in death or serious injury;
- Direct or indirect expressions by the officer of doubts concerning his or her own mental or emotional stability;
- Any other reason giving rise to a concern as to an officer's fitness to occupy the position of peace officer.

If the police chief determines, in the exercise of his or her discretion, and after consultation with the human resource director or designee, that it is appropriate to refer an officer for examination and evaluation of the officer's physical, mental, and/or emotional fitness-for-duty, the chief shall issue an order in writing to the police officer being referred. The order should indicate the date, time and place of such examination and, in brief form, the factual circumstances giving rise to the concern about the officer's fitness for duty. Any physician or psychologist to whom an officer is ordered to report for fitness for duty examination and evaluation shall meet or exceed the minimum standards prescribed by California Government Code §1031(f). The campus police chief shall work with the campus human resources director to facilitate the appropriate process for examination and follow-up, as required.

The CSU police chief or human resources director, as appropriate, will provide the doctor the following in order to facilitate the physician's or psychologist's examination of the referred officer:

- Documents and information relating to circumstances giving rise to concern about the officer's fitness for duty;
- Information or documents from the officer's personnel records that may assist the doctor in conducting the examination and preparing an evaluation;
- Prior evaluations, if necessary;
- Employment-related medical information about the officer on file;
- Personal conversation with the physician or psychologist, if necessary;
- The officer's position description.

The physician's or psychologist's evaluation report submitted to the police chief or human resources director concerning the officer's fitness for duty examination shall be part of the officer's personnel records and treated as confidential, under the provisions of California Penal Code §832.7 and 832.8. The report will be limited to notifying the department of the doctor's finding regarding the employee's fitness, fitness with restrictions, or lack of fitness without reference to any details unless the employee signs a waiver that additional information may be provided.

Any officer ordered to undergo a fitness for duty examination shall comply with the terms of the order and shall cooperate fully with the doctor and his or her staff with respect to any clinical interview conducted, any tests administered and any other procedures directed by the doctor. Any failure to comply with such an order and any failure to extend such cooperation may be deemed insubordination and be grounds for termination.

The campus president shall work with the Chancellor's Office Vice Chancellor of Human Resources on fitness for duty issues regarding a campus police chief.

Questions regarding this policy may be directed to the CSU Police Coordinator, General Counsel, or systemwide Human Resources, as appropriate. This document is available on Human Resources' Web site at <http://www.calstate.edu/HRAdm/memos.shtml>.

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