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## **Medical and Psychological Examination Policy**

### **Purpose**

Monitoring a member's fitness for duty, both medically and psychologically, is crucial for the safety and welfare of both the members of the Cameron County Law Enforcement Sworn Personnel and the community we serve. This policy aims to ensure that all members remain medically and psychologically fit for duty and are able to perform their essential job functions effectively.

### **1. Policy**

1.1 **Cameron County Law Enforcement Sworn Personnel** is committed to maintaining a safe and productive work environment, ensuring that all members can effectively perform the essential functions of their positions. In certain circumstances, the Department may require a professional examination of a member's physical or mental capabilities to determine their ability to fulfill essential job functions.

### **2. Member Responsibilities**

2.1 Each member of the Cameron County Law Enforcement Sworn Personnel is responsible for maintaining physical stamina and psychological stability sufficient to effectively perform their job duties.

2.2 Any member who feels they are unable to perform their duties should promptly notify their supervisor. Additionally, if a member believes that another member is unable to perform their duties effectively, such observations or concerns should be reported to a supervisor without delay.

### **3. Supervisor Responsibilities**

3.1 Supervisors must be vigilant for any signs that a member may be unable to safely perform their duties due to a physical or psychological impairment.

3.2 Indicators of potential issues may include, but are not limited to:

- Abrupt and negative changes in behavior
- Patterns of irrational conduct, hostility, or oppositional behavior
- Personal expressions of emotional or mental instability
- Inappropriate use of alcohol or other substances
- Questionable judgment, impulsive behavior, or difficulty managing emotions
- Any other factor suggesting a potential impairment or condition that requires intervention

3.3 Supervisors must maintain confidentiality regarding any information related to this policy.

#### **4. Reporting**

4.1 A supervisor who observes concerning behavior or receives a report about a member's inability to perform their duties must document all objective information and observations.

4.2 The supervisor should meet with the member to address the concerns raised by the behavior or conduct observed.

4.3 If the meeting does not resolve the concerns or cannot be conducted, the supervisor must document their observations and actions in writing and notify the appropriate supervisor in the member's chain of command.

#### **5. Duty Status Fitness-for-Duty Examination**

5.1 Supervisors within the member's chain of command will make a preliminary determination regarding the member's fitness for duty.

5.2 If the member is determined to be fit for duty, they should be returned to their duties, with arrangements made for appropriate follow-up.

5.3 If there is just cause to believe the member is unable to perform essential job functions, the supervisor should relieve the member of duty pending further examination.

5.4 Members relieved of duty must comply with the administrative leave provisions outlined in the Department policy.

5.5 The Law Enforcement Chief of each Department must be notified immediately if a member is relieved of duty.

#### **6. Fitness-for-Duty Examination (FFDE)**

6.1 An FFDE may be ordered whenever there is reasonable evidence indicating a member may be unfit for duty.

**6.2 Definition of an FFDE:** An FFDE is a formal examination to assess a member's ability to perform their essential job functions based on objective evidence of a medical or psychological condition.

**6.3 Threshold Considerations for an FFDE:**

- There must be an objective basis for believing the member may be unfit for duty or poses a direct threat to themselves or others.
- The decision to conduct an FFDE should be made based on potential usefulness and appropriateness given the specific situation.

6.4 The examiner should remain impartial and objective, avoiding undue influences from any involved parties.

6.5 Mental health professionals must refrain from rendering fitness-for-duty opinions unless they are conducting an FFDE.

**7. Process for Non-Sworn Personnel**

7.1 The Law Enforcement Chief, in cooperation with the Human Resources Department, may order a non-sworn member to undergo an FFDE whenever questions about their medical or psychological fitness arise. The examination will be conducted by the member's personal physician, psychiatrist, or psychologist as per Department policy.

7.2 The Department will provide all necessary documents and information to the examiner.

7.3 The examining practitioner will report whether the member is fit for duty and include any restrictions or conditions if the member is found unfit.

7.4 A second examination may be requested if there are disputes over the initial report, with the final determination being made in accordance with applicable laws and Department policies.

7.5 All reports from the examining practitioner will be kept confidential and included in the member's medical file.

7.6 Decisions on duty status will be made in cooperation with the Human Resources Department.

7.7 Members ordered to undergo an FFDE must comply with the order and cooperate fully. Failure to comply may result in disciplinary actions, up to and including termination.

**8. Process for Peace Officers**

8.1 The Law Enforcement Chief, in cooperation with the Human Resources Department, may order a peace officer to undergo an FFDE under similar conditions as outlined for non-sworn personnel.

8.2 The Law Enforcement Chief will provide written notice of the examination, including reasons for it, at least ten business days before the examination is due.

8.3 The Department will provide all necessary documents and information for the examination.

8.4 The examining practitioner will report on the officer's fitness for duty and any restrictions or conditions if applicable.

8.5 A second examination may be requested under the same conditions as for non-sworn personnel.

8.6 All reports will be confidential and part of the officer's medical file.

8.7 Duty status decisions for officers will be made in cooperation with the Human Resources Department.

8.8 Officers must comply with FFDE orders and cooperate fully, with non-compliance potentially leading to disciplinary actions.

## **9. Agency's Responsibilities to Notify TCOLE**

9.1 The Law Enforcement Chief will notify the Texas Commission on Law Enforcement (TCOLE) of any final determinations related to a peace officer's ability to perform essential job functions.

9.2 Notifications to TCOLE will be made within 30 days of the determination.

9.3 The Law Enforcement Chief will also inform TCOLE if a peace officer fails to meet examination deadlines or if their circumstances have been resolved.

## **10. Fitness-for-Duty Examination Minimum Standards**

10.1 FFDEs should be conducted with attention to legal, ethical, and professional standards.

10.2 Examiners should use a range of methods and data sources to ensure accurate findings.

10.3 Background information relevant to the member's job performance and mental condition may be gathered for the FFDE.

## **11. Appeals**

11.1 Members can dispute the application or interpretation of this policy through the applicable grievance procedure.

## **12. Resources for Medical and Psychological Examinations**

- 2018 Psychological Fitness-for-Duty Evaluation Guidelines from the IACP
- APA Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations
- 2017 American College of Occupational and Environmental Medicine Guidance for the Medical Evaluation of Law Enforcement Officers

**All members of the Cameron County Law Enforcement Sworn Personnel are required to adopt this policy by September 1, 2024, and submit it to the Texas Commission on Law Enforcement.**

**Approved by Commissioners' Court: August 2024**