



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **MEDICAL CIRCUMSTANCES**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE:

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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 of each member of the Portage 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 ensures 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. PEER SUPPORT
- V. OFFICER PREGNANCY
- VI. LACTATION

I. POLICY

- A. It is the policy of the Portage Police Department to provide, maintain and update

all employee benefits regarding department and/or city medical circumstances.

II. DEFINITION

- A. Temporary Modified Duty Assignment: shall include, but is not limited to, tasks related to administrative duties, desk assignment, and clerical functions. TMDA shall not include handling of prisoners or combative subjects. Civilian light-duty, if unavailable at the police department, may be assigned to an alternative city job sight.
- B. Peer support person (PSP), sworn or civilian, is a specifically trained colleague, not a counselor or therapist. A peer support person is trained to provide both day-to-day emotional support for department employees as well as to participate in a department's comprehensive response to critical incidents. PSPs are trained to recognize and refer cases that require professional intervention or are beyond their scope of training to a licensed mental health professional.

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 be responsible for all costs.
2. Any department ordered examination should be conducted only to confirm the employee's continued fitness to perform the tasks of their assignment and to inform them of their general condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties with or without reasonable accommodation.
3. Employees are encouraged to undergo periodic physical assessments at the direction of their own personal medical provider to maintain optimal health. These examinations will be at the expense of the employee and their insurance provider.
4. 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. The results of the required medical examination will be entered into personnel records and may constitute grounds for further personnel action.
5. 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) Department employees at the age of 55 and in 3 year increments thereafter will complete a physical assessment based upon the job duties of their position.
 - c) The Chief of Police may require an employee to undergo a medical examination whenever he has reason to believe there is a medical or physiological condition present that may affect the employee's ability to successfully perform his or her job.
6. Vaccinations: the department shall ensure that all police employees are informed and offered vaccinations according to Federal and Wisconsin State Laws.

B. Inability to Perform Duties

- 1. Department personnel determined not to be able to perform their duties may be assigned to TMDA and scheduled for physician prescribed activity for a period not to exceed seventy-five (75) work days, in order to have an opportunity to correct any fitness problems.
- 2. At the end of a period of TMDA, the employee will be re-examined by the designated physician at which time they may allowed to return to full duty or, the city may engage the employee in the interactive process as appropriate to the circumstances.
- 3. Employees who are not assigned to light duty may be entitled to leave under the Family and Medical Leave Act.
- 4. At the conclusion of any period of TMDA and or 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 Portage 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 insures 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 city policy.
- b) Applicants for community service officer are required to complete a physical examination and a physical agility test conducted at Aspirus Divine Savior Hospital.
- c) Applicants for Police Officer are required to complete a physical examination and a physical agility test conducted at Aspirus Divine Savior Hospital. Applicants who have not attended the Law Academy will also need to pass the academy fitness test and during the academy pass the academy exit fitness standards.
- d) Current employees are encouraged to seek annual physical examinations and to maintain physical agility standards and overall general health.

4. Standards of Fitness

- a) Employees must maintain 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 up stairs, jumping over obstacles, lifting heavy objects or persons, subduing persons resisting arrest, operating a bicycle, and physically pushing movable objects.

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 determines that the officer is fit for duty, the department will accept the determination and deem the officer fit for duty.
- c) 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.

D. Employee Assistance Program

The city has established an employee assistance program (EAP) for the benefit of all full-time employees and their immediate families. Employees or immediate family members are provided a free counseling session. After the session the employee's insurance or other payments arrangements would need to be made. The employee's participation is voluntary and completely confidential. Issues the

EAP can help with include substance abuse, emotional concerns, marriage and family services, financial or budget services, and crisis intervention. Currently the contracted provider is Aspen Family Counseling 608-742-5020.

IV. PEER SUPPORT

A. The City of Portage Peer Support Team is designed to be a combined team including members from the Portage Police Department and Portage Fire Department. The purpose is to help peers cope effectively with stress encountered in their personal and/or professional lives. Peer Support provides a way for employees to “talk out” problems with co-workers who understand and want to help.

B. The Peer Support Team is not designed to replace or be the equivalent of counseling, treatment, or therapy.

C. Referrals to the City of Portage Employee Assistance Program (EAP) can be offered by a Peer Support Person.

D. Organization

1. The City of Portage Peer Support team will consist of a group of board members representing each involved agency and will be responsible for the oversight of the program, selection/interviews of Peer Support Persons (PSP’s), removal of PSPs, and training of its members.

E. Selection

1. To volunteer and be chosen as a PSP , the candidate will have 3 years of experience and not be on any type of disciplinary action. PSP is a voluntary position within the department and not subject to compensation. A PSP is appointed by the chief or designee and can be suspended or removed at the discretion of the board, chief of police or designee.

F. General Guidelines

1. The Peer Support Team will maintain and keep updated specific operational procedures for the program.

2. PSP will avoid any conflicts of interest by referring officers to another PSP member, chaplain, or mental health professional as needed.

3. PSPs are advised to refrain from entering relationships if the relationship could reasonably be expected to impair objectivity, competence, or effectiveness in performing their role or otherwise risks exploitation or harm to the person with whom the relationship exists. For example, PSPs avoid religious, sexual, or financial entanglements with receivers of peer support.

4. Referrals

- a. Members of each department are encouraged to contact a member of the City of Portage Peer Support Team when they become aware of an individual who is in need or possibly in need of assistance
- b. Employee themselves can contact peers
- c. Supervisors can recommend a peer supporter understanding its voluntary and cannot be ordered to participate
- d. Family members can make a referral
- e. Peer Support Team members can contact employees if they know of a possible employee in need of assistance

V. OFFICER PREGNANCY

- A. It is the policy of the department to establish procedures to modify full-duty assignments and, when needed, provide temporary, modified duty assignments (TMDA) to eligible pregnant employees 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 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 employee to continue working in her regular-duty assignment or a TMDA for as long as reasonably possible. The department will ensure the pregnant employee's right 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 department command staff when it is necessary to comply with this directive.

3. Full-Duty: During a term of pregnancy, the employee may continue to perform her usual, full-duty assignment until she cannot perform the essential functions of their position.
 - a) Employees must confer with their personal physicians, providing them with the department's job description that delineates the essential job functions of their position 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 full-duty status. The department will not require an employee to accept a TMDA 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 employees to tasks 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 as 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 employee will continue her full-duty assignment until she cannot perform the essential job functions of their position. However, upon written recommendation of a physician, a pregnant employee may request TMDA.
 - a) In addition to an officer's request for TMDA, the department may have occasion to evaluate the pregnant employee's ability to safely and effectively perform the essential functions of her job. In determining whether the employee can perform essential functions, the department may consider whether the employee's condition creates an undue safety risk to the employee, fellow employees, or general public.
 - b) The department may consult with the employee's physician or request a consultation by a department-approved physician. The consultation shall be limited to a review of the employee's medical records, which must be

provided by the employee, and consultation with the employee and/or her personal physician. If the department concludes that the employee's pregnancy unreasonably interferes with her ability to perform full duty activities, the department may assign the employee to TMDA.

- c) TMDA 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 TMDA 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 employee working in a TMDA status may retain possession of an agency-issued firearm.
 - f) TMDA for Maternity:
 - (1) TMDA for maternity should avoid the following: alternating 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 TMDA will be made consistent with the operational needs of the department.
6. A pregnant employee 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 TMDA assignment, the department may require the employee to take leave in compliance with the Family and Medical Leave Act and other applicable law. If an employee is temporarily absent from work as a result of a pregnancy-related issue and the employee recovers, the department shall not require the employee to remain on leave until the child's birth.
7. An employee may elect to take leave because of a pregnancy-related medical issue. The employee may take such leave if medically warranted and in accordance with department regulations and procedures. The pregnant employee shall be treated the same as any other employee seeking leave because of any other physical or medical condition.
8. Employer's Responsibility: Upon returning from maternity leave or an extended placement on maternity duty, the employee's supervisor 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.

9. 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 limiting exposure to toxic levels of heavy metals and other chemicals; and
 - d) Accomplish all reintegration tasks as directed by her shift supervisor.

VI. 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 Chief or designee 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 year after the child's birth each time such employee has need to express milk.

The female employee will typically express milk at approximately the same time she would as if she was at home nursing. 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 will meet the needs of the individual employee, provide for the employee's privacy, and the location will be determined on case by case basis.
- 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.
- G. Preferably before returning to work after the birth of a child, the employee shall notify her shift supervisor of her decision to breastfeed so accommodations can be made.
- H. An officer shall advise dispatch when she will be unavailable, whether at the station or at her residence. The officer shall keep her portable radio on and near her during this time.
- I. If there is an emergency situation, the officer shall respond to the emergency and every effort will be made to relieve the officer as quickly as possible so she can return and finish expressing.

Keith J. Klafke
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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