



## Lunenburg Police Department Rules & Regulations

<b>Policy Number:</b> <b>14.00</b>	<b>Subject:</b> <b>Fitness For Duty</b>
<b>Issue Date:</b> <b>12/20/2013</b> <b>Revision Date:</b> <b>10/30/2021</b> <b>Effective Date:</b> <b>12/20/2013</b>	<b>Massachusetts Police Accreditation Standards Referenced:</b> <b>N/A</b>
<b>Issuing Authority:</b>  <i>Chief Thomas L. Gammel</i>	

### 14.00 – FITNESS FOR DUTY

A police officer must be physically and psychologically fit to perform his or her public safety functions, especially since police officers are authorized to make arrests and carry firearms. If an officer is not fit, not only that officer, but also other officers as well as the general public may be jeopardized. A police chief has the authority and, indeed, the duty to determine an officer's continuing fitness to perform police duties or to return to full working status. Requiring that an officer submit to a an ordinary physical or psychological examination in order to determine the officer's fitness for duty does not constitute an unwarranted invasion of personal privacy or a violation of due process. Of course the department will treat all medical records and information in a confidential manner.

#### RULE 14.01 - ABSENCE

Officers shall not be absent from duty without permission. For a proper reason, and only for a limited time, a Commanding Officer or the Chief of Police may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated by the Commanding Officer concerned and shall be reported to the Chief of Police for appropriate action.

## **RULE 14.02 - SICK LEAVE<sup>1</sup>**

Officers shall utilize sick leave for:

1. Care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
2. Care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or Attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or
3. Address the psychological, physical or legal effects of domestic violence as defined in subsection (g1/2) of section 1 of chapter 151A, except that the definition of employee in subsection (a) will govern for purposes of this section.
4. The following words, unless the context clearly requires otherwise, shall have the following meanings:

**The following words, unless the context clearly requires otherwise, shall have the following meanings:**

'Child", a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood.

"Earned paid sick time", the time off from work that is provided by the Collective Bargaining Agreement.

"Parent", a biological, adoptive, foster or step-parent of an employee or of an employee's spouse; or other person who assumed the responsibilities of parenthood when the employee or employee's spouse was a child.

"Spouse", the meaning given this term by the marriage laws of the commonwealth.

When the use of earned sick time is foreseeable, the employee shall make a good faith effort to provide notice of this need to the employer in advance of the use of the earned sick time.

Earned sick time may not be invoked as an excuse to be late for work without an authorized purpose under this section.

Where an employee's use of earned sick time requires the employer to hire a replacement or call in another employee and the employer does so, the employer may require the employee to use an equal number of hours as the replacement or call-in employee works, up to a full shift of earned sick time.

---

<sup>1</sup> See 15.0 - REVISIONS

Compensation for sick leave shall be subject to review by the Chief of Police who may disallow such leave for improper or unauthorized use.

If an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for earned sick time under this section, or is untruthful regarding the purposes for earned sick time under this section, then an employee may be disciplined, up to and including termination of employment for misuse of sick leave, and or untruthfulness.

If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, then an employee may be disciplined consistent with this section, for misuse of earned sick time, unless the employee provides verification of authorized use under this section. **Verification under this section shall come in the form of a To-From note.**

#### **RULE 14.03 – DOCTOR’S CERTIFICATE**

Officers shall provide a certificate from a doctor if required at the discretion of the Chief of Police for an absence from duty because of sickness or injury. Such request for a certificate shall be made in writing by the Chief.

#### **RULE 14.04 - PHYSICAL FITNESS**

Officers shall maintain good physical condition in accordance with standards determined by the Chief of Police and any applicable statute, regulation or collective bargaining provision. The Chief of Police may order any officer of the department to submit to a physical or psychological examination on a periodic basis or whenever circumstances dictate that it is in the best interests of the officer and/or the Department

#### **RULE 14.05 – NOTIFICATION**

Officers shall notify a superior officer or the Chief of Police when ill and unable to report for work for more than three (3) consecutive days, or if there is any change in an officer's physical or mental health that could disqualify or temporarily prevent the individual from being assigned to duty by the department.

#### **RULE 14.06 – POSSESSION OR USE OF ALCOHOL**

Officers shall not possess and/or use alcohol on duty other than in an authorized duty capacity. Officers shall not report for duty or be on-duty while under the influence of intoxicating liquor or with an odor of alcoholic beverage on their breath.

## **RULE 14.07 – OFF DUTY USE OF ALCOHOL**

Officers shall not use alcoholic beverages off duty to the extent that their conduct is obnoxious or offensive and discredits them or the department.

Officers, off duty, shall not consume alcoholic beverages or medication to the extent that they are unfit to report for their next regularly scheduled tour of duty.

## **RULE 14.08 – USE OF TOBACCO**

Officers appointed after January 1, 1988 shall not smoke or use tobacco products of any kind whether on or off-duty. Whoever violates said statute is subject to dismissal as specified in Chapter 41 section 101A of the Massachusetts General Laws.

**NOTE:** See also the rule in Section 10 entitled “Smoking While on Duty”.

## **RULE 14.09 - CONTROLLED SUBSTANCES**

Officers shall not possess and/or use on or off-duty any controlled substances, except with the approval and guidance of a licensed physician and with the knowledge of the Chief of Police. At no time may an officer use, abuse or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the officer, the department or the municipality.

Officers shall not bring, place, or permit to be brought or placed, or allow to be kept in any building, location or vehicle of the department, any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, except in the strict performance of police duty, e.g. evidence, etc., or when it is needed for administration by, or at the direction of a licensed physician, and then only after notification to and approval from the Commanding Officer or Chief of Police.

## **RULE 14.9a – MEDICAL MARIJUANA**

Medical Marijuana use is prohibited by departmental policy.

## **RULE 14.10 - LINE-OF-DUTY DISABILITY**

Officers shall promptly report in writing any injury, illness or disability incurred in the line of duty, to his or her Commanding Officer or Chief of Police. Such report shall be made prior to the end of an officer's shift unless the seriousness prevents such notice. In such case notice will be made as soon as the officer is physically able to do so. Departmental forms and insurance claim forms will be utilized for notification and application purposes as the Chief of Police may direct. Final disposition as to line-of-duty injuries, illness, or disabilities shall be made by the Chief of Police who may consult with a physician. In each case of illness, injury or disability incurred in the line-of-duty, the Chief of Police

may require that an officer shall not be returned to duty until his or her ability to be placed on full duty status is certified by proper medical authority.