

Fit for Duty, Fit for Life: A Comprehensive Approach to Evaluating “Fitness for Duty”

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Abstract

This applied research project has examined the consistencies and inconsistencies of Fitness for Duty programs currently in place at Florida law enforcement agencies. The type of evaluation, the fitness requirements and the when and why fitness testing is conducted, are all part of this evaluation. My research has helped me develop a better understanding of the complexity of this issue for most agencies. Workers’ compensation and health insurance costs have become significant segments of all agencies’ expenses. Failure to maintain officer fitness and the costs incurred by the agency that result from illness and injuries have become major issues for agency administrators statewide. Almost everyone will agree that there is a tremendous amount of physical and psychological stress associated with the law enforcement profession. Survey results indicate that many more agencies have become proactive in dealing with employee fitness issues. Agencies are developing and implementing programs that deal with both the employee’s physical and psychological fitness. However, research also shows that most agencies continue to have no comprehensive policy in place to evaluate an officer’s total (psychological and physical) fitness on an ongoing basis beyond pre-employment screening. The majority of programs that have been developed and implemented continue to focus primarily on prevention through physical fitness. These programs only address the physical demands of the profession. The outcomes of this study highlight deficiencies in programs and reinforce the need for law enforcement agencies to develop and implement comprehensive fitness for duty standards that address all aspects of the individual officer’s physical and mental health. It also identified the need of establishing a method to evaluate and ensure those standards are maintained throughout the individual’s career.

Introduction (Literature Review)

A number of factors correlate with an individual’s overall health and well being. Factors such as family history, genetics, lifestyle and cultural and spiritual beliefs impact an individual’s overall health and life expectancy. When occupational stressors, especially those associated with law enforcement and detention professions, recent economic decline and financial issues from our nation’s longest lasting recession in decades are added, it is difficult to predict the net result on an individual. What is known is that regardless of the occupation, an employee’s quality of work and performance are affected when their physical and/or psychological health is suffering.

Across the state, government agencies, especially law enforcement, are being asked to take on more responsibilities and provide more services. At the same time, annual budgets have been reduced and available resources have become increasingly

scarce. Historically, in exchange for lower wages, government employers have dedicated substantial financial resources toward offering their employees affordable health care, lucrative pensions and other rich benefit programs. In recent years, the cost to maintain these programs has skyrocketed. In many agencies, employee salaries and benefits now account for as much as 75-80% of their total budget. As a result, many government agencies are being forced to eliminate positions and/or reduce benefits for existing employees. It has been several years since most government employers have been able to provide salary increases for their employees. Most recently, government employee pension plans, which were once considered sacred in law enforcement, are now being compromised.

For fiscal year 2011/2012, my agency, the Hillsborough County Sheriff's Office, has a proposed budget in excess of \$360 million dollars. Payroll accounts for approximately \$190 million (excluding retirement benefits) and another \$50 million dollars will be allocated toward employee health insurance, workers' compensation and other employee benefit programs.

As employers are forced to cut costs and reduce expenses, creating and maintaining a healthy workforce has become a crucial part of maintaining employee benefit programs. The existence of an unhealthy workforce has a huge impact on the cost of these programs. Employer costs associated with employee absenteeism and lost productivity add to the problem and to the overall cost of operation. An essential part of controlling future costs must include creating an employee culture that promotes and rewards a healthy workforce.

It is widely recognized that law enforcement is an extremely stressful occupation. Research indicates that there is a direct correlation to the length of an individual's law enforcement career and their overall physical and mental health, as well as their ultimate life expectancy. As we have learned from our instructor, Dr. Sewell, incidents of suicide in law enforcement are on the rise nationally. Each of us, regardless of our rank, title or position can become victims to the stressors we face everyday. As administrators, we are not immune.

Seeking counseling was once considered a sign of weakness. In most agencies, if counseling was available, few if any officers would take advantage of it unless they were forced to do so. Hopefully, the sharing of personal experience by respected law enforcement figures, such as Dr. Sewell, will help eliminate the stigma associated with seeking necessary counseling.

Much has been written about the process of conducting law enforcement fitness for duty examinations. However, to date the majority of the research conducted and the published material on the subject relates to either the individual's physical performance and capabilities or the psychological status of the employee. Minimal research has been directed toward the need for and the value of developing an ongoing comprehensive method of evaluating an employee's overall physical and psychological fitness for duty.

Law enforcement agencies and the communities they serve have a considerable investment in each law enforcement and detention officer they hire. The estimated cost to recruit, hire and fully train the average law enforcement officer today is \$100,000.00. On average, it will be two years before each newly hired officer is productive and fully functional on their own. With the prolonged existence of a stagnant economy and the recent changes in retirement systems, many agencies are experiencing an accelerated

turnover of experienced officers and difficulties in recruiting qualified replacements to fill the vacancies. Consequently, the reduction in the number of experienced and qualified officers compounds the stress of the remaining officers.

Physical and mental standards are an integral part of the pre-employment screening and selection process of most agencies. Unfortunately, far too often, once an officer is employed and becomes tenured, little or no effort is made to ensure their overall fitness for duty has been maintained.

Recently, more law enforcement agencies have recognized the ongoing physical requirements of the job and the need to establish and maintain minimum physical standards for officers throughout their careers. Conversely, minimal attention is directed toward the ongoing psychological and emotional health of the employee.

In law enforcement, as is the case with most employers, the majority of post employment fitness for duty evaluations is initiated as a result of a specific event or set of circumstances. Therefore, the scope of the evaluation requested is limited and/or narrowly focused. This is especially true in matters relating to psychological fitness. As a result, the evaluator's assessment often only addresses the employee's fitness relative to that event at a specific point in time.

In his 2001 article, "Psychological Fitness- For –Duty Examinations: Practical Considerations for Public Safety Departments", author G. Fischler directed his research toward public safety administrators who deal with the problematic personnel. Fischler discusses the benefit of using a Psychological Fit for Duty (FFD) exam as a means of determining if the employee has a psychological problem and if so, to determine to what extent it affects the employee's ability to perform their job. When used effectively, FFD exams aid both, the employer and the employee, in assessing what is needed and in providing a clear direction toward the appropriate resources necessary to treat the employee's underlying condition(s). Early identification and intervention benefits the employer and the employee, reduces the need for disciplinary action and establishes a platform for evaluating the employee's ability to return to full duty or need for medical leave or disability retirement.

In his 2008 article, "Fit for duty? The need for physical fitness programs for law enforcement officers", author A. Quigley explores the need for physical fitness programs for law enforcement officers. He cites a Cooper Institute for Aerobics Research study conducted from 1983-1993 that randomly surveyed 1,700 police officers from across the United States. When compared to the general population, police officers average fitness levels were below that of the general population. As a group, police officers have a higher morbidity and mortality rate than the general public; cardiovascular disease, colon cancer and suicide are the major contributing causes. There are direct correlations of job-related stressors and years in law enforcement to the risk of coronary heart disease, including myocardial infarctions. The potential for these risks can be reduced by establishing and maintaining physical and psychological fitness for duty requirements.

In a 2005 article titled "Optimism and Your Health-How Positive and Cheerful Are You? ", author D. McCoy examines the relationship between attitude and level of enjoyment of life. McCoy discusses how people in general are drawn to those who are optimistic and exude good humor. Conversely, unhappy people tend to be withdrawn and lonely.

Optimists reported:

- Fewer work related problems
- Less mental and physical complications while performing daily activities
- Increased energy and less aches and pains
- Greater ability to fully engage in social activities
- An overall feeling of peace and happiness

A self-assessment tool was included for the reader to evaluate their own degree of optimism. A Mayo Clinic study reported that positive thinking individuals enjoy many benefits, the least of which is being a lowered risk of early death.

Author B. Vila wrote an article in 2011 stating that “Anti-Fatigue Measures Could Cut Cop Deaths 15%”. Vila discusses the relationship between the “toxic mix” of unhealthy lifestyles, chronic stress, long shifts, rotating schedules and insufficient sleep and how these factors impact police reaction time and decision-making ability. Chronic sleep deprivation contributes to a number of health and wellness disorders including coronary heart disease. Statistics compiled by the AAA foundation for Traffic Safety among officers in the United States and Canada revealed:

- 53% get less than 6.5 hours of sleep a day compared to 30% within the general population
- 91% report feeling “routinely” fatigued
- 14% are tired when they report to work
- 85% drive drowsy
- 39% have fallen asleep at the wheel

Vila asserts that officer deaths from vehicle accidents and violent attacks could be reduced 15% by diligently addressing officer stress and fatigue.

In his 2003 research paper “The Maintenance of Police Officer Health through a Mandatory Wellness Program” author D. Lapum cited the existence of many of the same issues and concerns which continue to be present today. Lapum observed that many, if not most, of the career law enforcement officers he has been associated with show signs of physical and mental impairment as a result of the chronic stress they endure. Lapum hypothesized that many officers suffer from undiagnosed Post Traumatic Stress Disorder (PTSD).

This opinion is shared by many of my colleagues and me. Dr. Sewell discussed his concerns with undiagnosed PTSD during his lecture. Dr. Vincent Skotko, a Clinical Psychologist, and Dr. Rosemary Szollas, a Board Certified Occupational and Environmental Medicine physician, who provide services to the Hillsborough County Sheriff’s Office, agreed with Lapum’s hypothesis. Lapum further cited a 1993 book by Frank Parkenson entitled “Post Traumatic Stress” where the author highlighted the effects of continuous stress on officers which resulted in:

- Damaged health
- Breakdown in personal relationships (divorces)
- A lowered capacity to cope in all areas of their lives
- Disconnect from feelings

- Lowered sense of self-worth and/or self-esteem
- Alcoholism and/or drug abuse
- Suicide

Lapum further cited a credible example from a book by author L. Ken Rodgers who outlined his own experience with PTSD following a line-of-duty shooting incident. Rogers described suffering from stomach pain and chronic fatigue for unknown reasons. After extensive medical testing and no medical etiology identified, it was determined that he was suffering from PTSD.

Most agencies place considerable emphasis on pre-employment fitness standards, but their focus on these standards diminishes when the experienced officer has the most need. An individual officer may be able to meet minimum physical requirements established by their agency, yet lack the emotional and mental fitness/stability needed to perform at peak capacity. Despite a clearly demonstrated return on investment in both financial and personnel capital, it does not appear that much has changed since 2003. While many more law enforcement agencies have implemented post employment physical fitness and agility standards, very few agencies have implemented comprehensive fitness programs that continually address the mental, emotional and physical health of the law enforcement officer. Dr. Vincent Skotko and Dr. Rosemary Szollas have been treating law enforcement officers for job related issues and injuries for an extensive period of time. They both agree that many of the physical complaints as well as the performance and addiction issues experienced in law enforcement are the result of the prolonged exposure to chronic stress endured by officers. Both fully support the creation of statewide standards that require continual monitoring of a law enforcement officer's physical and psychological fitness for duty throughout their career.

Methods

A multilevel research approach was used for this project. I conducted occupational and internet research, professional interviews and prepared and submitted a survey with solicited responses from other law enforcement agencies/sheriff's offices across 67 counties of the state of Florida as well as municipal Risk Managers.

Survey:

- **Population:** An electronic survey was prepared and submitted for analysis. The population used for the study was all 67 county law enforcement agencies (Sheriff's Offices) in Florida. The population included the Hillsborough County Sheriff Office which is my own agency. The survey was also sent to every individual attending the Senior Leadership Program (SLP) class and to municipal Risk Managers in the Tampa Bay area who deal with law enforcement personnel and fit for duty issues. Sheriff's Offices who had representation in the SLP Group were not counted twice.

- **Sample:** Total sample population size was 97 public entity law enforcement agencies and risk management divisions. The expected sample response was between 30-50% of the population. The actual sample response was 56.7%. The criteria for sample selection were their direct relationship to subject matter combined with depth of knowledge and experience in the pertinent subject matter of the survey.

Professional Interviews:

Instruments:

a. A professional interview was conducted with Vincent Skotko. PhD. Dr. Skotko is a certified clinical psychologist who has been in his practice for more than 20 years. Dr. Skotko has extensive experience working with local law enforcement agencies and is highly regarded in the Tampa Bay area as an expert in his field. Dr. Skotko specializes in law enforcement assessments, pre-hire evaluations, post-incident assessments and post-hire fit for duty examinations.

b. A professional interview was conducted with Rosemary M. Szollas M.D., M.P.H. Dr. Szollas is a board certified occupational and environmental medicine physician who has a Masters degree in Public Health and is a certified medical review officer (MRO). Dr. Szollas is currently the clinic medical director for University Community Hospital's Brandon Occupational Health Clinic. Dr. Szollas is highly regarded in the Tampa Bay area as an occupational and environmental medicine expert. Dr. Szollas specializes in law enforcement assessments, pre-hire evaluations, post-incident assessments and post hire fit for duty examinations.

Strengths: The depth of knowledge and experience that I have related to the survey topic. Local agencies employees, specifically doctors and local risk managers who have a strong understanding of the roles and responsibilities and firsthand experience with the survey topic.

Weaknesses: Participant bias and answering survey questions according to own belief system. Limited survey population as survey was conducted in the state of Florida only. Small sample size given the 56.7% response rate.

Results

A total of 97 surveys were sent to participants of the 67 counties in the state of Florida and 30 municipal Risk Managers. Fifty five of the 97 surveys were submitted for a response rate of 56.7%. Nine of the 55 surveys were returned with incomplete responses (Survey Instrument).

The majority of agencies, 85% of respondents, have pre-employment fitness for duty programs. Many of the agencies', 76% of respondents, have fitness standards that correlate with job descriptions performance expectations. However, there is an inconsistent commitment to ongoing physical and psychological standards as only 60% of the agencies have post-employment fitness for duty policies; similarly, only 65% have established clear psychological and physical standards. Even fewer agencies, 45% of respondents, are apt to have a commitment to monitor compliance of their psychological and physical fitness standards, (Figure1 and Figure 2).

Overall, 82% of agencies provide support to the employee and family members through Employee Assistance Programs, but only 64% of agencies require counseling or psychological evaluation following a traumatic event and 73% have a peer support or crisis intervention team for employees (Figure 3). There is even less of a proactive mindset when it comes to the health and wellness of employees as it is an even split regarding the implementation of a non-smoking or non-tobacco policy in agencies.

The majority of agencies have established policies as a consistent means of managing employees who are not fit for duty and a non-disciplinary due process for those who are unable to return to a full duty capacity, 82% and 80% respectively (Figure 4).

Most agencies continue to assign risk management responsibilities to law enforcement or administrative personnel who have little or no actual risk management expertise (Figure 5). Most rely on their Human Resource personnel who rarely have the practical experience or actual knowledge of requirements for law enforcement in order to make informed decisions.

Discussion

The employer's responsibility for assessing and maintaining employee fitness for duty goes far beyond the hiring process. This study personally confirms that the Hillsborough County Sheriff's Office (HCSO) is extremely progressive and unique in their approach toward fitness for duty in both the pre-hire and post-hire individuals. In 2006, Sheriff David Gee and Chief Deputy Jose Docobo committed the HCSO to the creation of a dedicated Risk Management program. The HCSO has since been on the cutting edge and leads the way for law enforcement agencies across the state. The HCSO has become self-insured for both workers' compensation and health insurance. Since 2006, the HCSO also has redesigned the fit for duty process, and disability and leave policies. They have strengthened and enforced medical dismissal policies and expanded both the random drug testing and return to work programs. These proactive initiatives have reduced average employee disability ratios by more than 50% since 2006.

In 2009, the HCSO contracted with Florida State University to conduct a job task analysis and create a new physical ability assessment (PAA). The new PAA was implemented in January of 2011. All sworn officers, law enforcement and detention, must pass the PAA to remain qualified for duty. "Master rank" pay and other financial incentives

are tied to this program. Given the infancy of this program, analytical data is not available. However, the assumption is the PAA will reinforce the individual's responsibility to maintain a level of fitness throughout their career.

On October 03, 2011, the HCSO will open the HCSO Occupational Health and Wellness Center. The clinic will be staffed by medical professionals who will be HCSO employees and will provide a variety of health and wellness services to all HCSO employees. Sheriff Gee's continues his support of the Risk Management division with his vision and commitment to these programs.

The HCSO Risk Management program has documented in excess of 20 million dollars in saving since the program began. Unfortunately, very few law enforcement agencies within the state of Florida actually have a dedicated Risk Management function or area. While most agencies recognize the critical importance of officer fitness, the vast majority of agencies are hesitant to make the long-term commitment to this type of program.

Ongoing physical standards and post-incident psychological assessments have become very common. Most agency health insurance plans now provide access to Employee Assistance Programs (EAP) for the officer and family members. While most agencies have policies in place to address physical and/or psychological fitness for duty issues once an incident occurs, few promote counseling; even fewer have a dedicated psychological professional on staff. Some agencies have annual or bi-annual physical assessments, but overall ongoing post-employment fitness for duty policies are inconsistent. No statewide standard, training requirements or recertification of a law enforcement officer's physical and/or psychological competencies are in place. Most law enforcement agencies seem to fall short of establishing comprehensive fitness /wellness programs that include health and wellness education, nutritional counseling and very few require mandatory physical and psychological assessments on an ongoing basis.

It appears that law enforcement agencies within the state of Florida do not fully support the development of a culture that encourages and requires officers to maintain their physical and psychological fitness for duty beyond pre-employment. While budgets are being cut, the demands on law enforcement agencies and the individual officers continues to increase. The lack of financial rewards and diminishing benefits are causing experience levels to decrease and recruiting efforts to fall short across the state. The cost to recruit, hire and properly train new officers continues to take a toll on most agencies' resources. These conditions are adding even more stress to an occupation already considered to be one of the most demanding. Despite the potential financial benefits, most agencies still do not dedicate the resources required to create and maintain a pro-active and comprehensive health and wellness program within their agencies. A paradigm shift within Florida's law enforcement agencies must take place. In my opinion, the need for agencies to focus attention and resources to ensure that their officers remain healthy and happy has never been greater. Agency executives can no longer consider employee health and wellness a luxury. Ensuring that all their employees continue to be both mentally and physically fit for duty cannot be left up to the individual. The stigma experienced when an employee recognizes the need and voluntarily seeks assistance for psychological issues such as PTSD, alcoholism or prescription drug abuse must be eliminated. Agency executives must demand personal accountability and require all their employees to embrace healthy lifestyle choices as a condition of continued employment.

Recommendations

Agency administrators must lead by example. Employee health, wellness and fitness programs and initiatives must be engrained into the fabric of the agency. In addition, these programs and initiatives must become an essential part of the agency's operation. Agency administrators must make a long-term commitment to invest in order to have successful programs. Agency administrators must promote and support the effort even though implementation of more aggressive wellness programs and initiatives promoting healthy lifestyles may not initially be popular.

While employees cannot be forced to eat right or exercise, they can be required to remain fit for duty as a condition of continued employment. The state of Florida currently requires law enforcement officers to participate in annual retraining and demonstrate proficiency in a number of areas. However, little or no emphasis is directed toward an officer's continued physical or mental fitness for duty. I believe that all law enforcement officers should receive periodic mandatory health evaluations and fitness training; these programs should be required by the state's Criminal Justice Standards and Training Bureau (CJST). All law enforcement officers should be required to periodically demonstrate and meet minimum mandatory physical and psychological fitness requirements in order to maintain their certification. Agency administrators should support a statewide initiative to implement these requirements.

Creating fitness standards and implementing mandatory policies will demonstrate the agency's commitment to the goal. To achieve real success, agencies must engage the employee. The ultimate objective must be to create a culture within the organization that the employees will support and participate in. Employers must make health and wellness education programs accessible to all employees and their families on a continuous basis.

Agencies should include completion of an employee "Health Assessment" as part of the annual health insurance enrollment and for negotiating health and wellness programs into the health insurance contract. Promoting healthy lifestyles, such as providing employees with stress management, nutrition and healthy cooking materials and implementing policies such as a tobacco free workplace are affordable and inexpensive ways for agencies to begin.

Agencies should utilize and/or employ fitness and nutrition professionals to provide employees with personalized fitness instruction and nutritional counseling and incorporate fitness and health educational segments into annual training programs. Invest in state-of-the-art fitness equipment and/or providing employee incentives to participate in a fitness program is absolutely necessary.

More agencies should create dedicated Risk Management Divisions. Employment of and/or the development of personnel within the agency who possess the knowledge, education, expertise and experience in law enforcement and risk management is critical for the success of a Risk Management Division. Pertinent areas of responsibility such as workers' compensation insurance, health insurance, long term and short-term disability, employee fitness for duty and return to work programs must be reassigned. Appropriate

resources must be dedicated to meet the agency's objectives and the support of the agency's Chief executive officers must be clearly demonstrated.

Above all, agency administrators must understand that patience and perseverance are absolutely required for the success of a program. The benefits and financial rewards of committing to such bold programs and initiatives may not always be immediately visible, but when long term goals and objectives are met, the return on investment can be substantial.

Director Richard (Rick) Swann has been in law enforcement for more than 30 years. He began his career as a Corrections Officer in 1977 and became a Deputy Sheriff in 1978. He has experience working in almost every area of law enforcement except crime prevention. He is currently the Director of Risk Management for the Hillsborough County Sheriff's Office. His responsibilities include overseeing the agency's self-insured workers' compensation and self-insured health insurance programs. He also manages the life insurance and 457 investment plans, and all health and disability issues (including fit for duty) for the Hillsborough County Sheriff's Office.

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Appendices

a) Survey Instrument



b) Figure 1


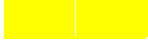
c) Figure 2



d) Figure 3



e) Figure 4



f) Figure 5

1. Does your agency have a non-smoking or non-tobacco policy?		Response Total	Response Percent
Yes		28	51%
No		27	49%
Total Respondents			55

2. Does your agency have a pre-hire "Fitness for Duty" policy?		Response Total	Response Percent
Yes		47	85%
No		8	15%
Total Respondents			55

3. Does your agency have a post-hire "Fitness for Duty" policy?		Response Total	Response Percent
Yes		33	60%
No		22	40%
Total Respondents			55

4. Do your agency's "Fitness for Duty" policies establish clear psychological and physical standards?		Response Total	Response Percent
Yes		35	65%
No		19	35%
Total Respondents			54
(skipped this question)			1

5. Are the standards the same for both pre-hire and post-hire?		Response Total	Response Percent
Yes		23	45%
No		28	55%
Total Respondents			51
(skipped this question)			4

6. Are your agency's physical and psychological fitness standards continually monitored to ensure compliance?

		Response Total	Response Percent
Yes		25	47%
No		28	53%
Total Respondents (skipped this question)			53 2

7. If you answered "yes" to question #6, how often?

Total Respondents (skipped this question)			29 26
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8. Do they correlate to the job description's performance expectations?

		Response Total	Response Percent
Yes		39	76%
No		12	24%
Total Respondents (skipped this question)			51 4



9. Does your agency require counseling or a psychological evaluation following a traumatic incident?

		Response Total	Response Percent
Yes		35	64%
No		20	36%
Total Respondents			55


10. Do your policies establish a consistent means of dealing with employees who are not fit for duty?

		Response Total	Response Percent
Yes		45	82%
No		10	18%
Total Respondents			55



11. Does it include a non-disciplinary due process for the employee and allow the employer to dismiss an employee who is unable to return to a full duty capacity?

		Response Total	Response Percent
Yes		44	81%
No		10	19%
Total Respondents (skipped this question)			54 1



12. Is your agency's Employee Assistance Program (EAP) tied to your health insurance program?

		Response Total	Response Percent
Yes		31	56%
No		24	44%
Total Respondents			55

13. Do all employees and their family members have access to EAP?

		Response Total	Response Percent
Yes		45	83%
No		9	17%
Total Respondents (skipped this question)			54 1

14. Do you have a peer support or crisis intervention team available for employees?

		Response Total	Response Percent
Yes		40	73%
No		15	27%
Total Respondents			55

15. Who in your agency is responsible for ensuring that these policies are carried out appropriately?

Total Respondents	51
(skipped this question)	4

16. Your name:

Total Respondents	52
(skipped this question)	3

17. Your rank/position:

Total Respondents	50
(skipped this question)	5

18. Agency Name:

Total Respondents	51
(skipped this question)	4

FIGURE 1

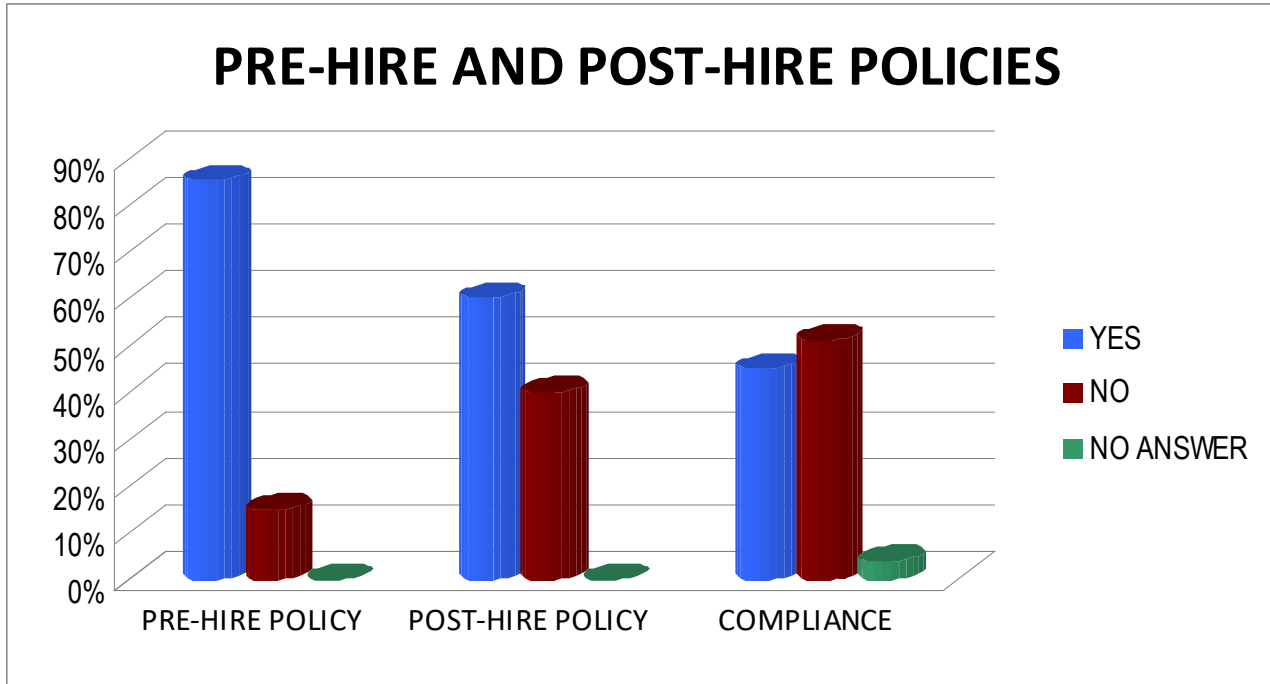


FIGURE 2

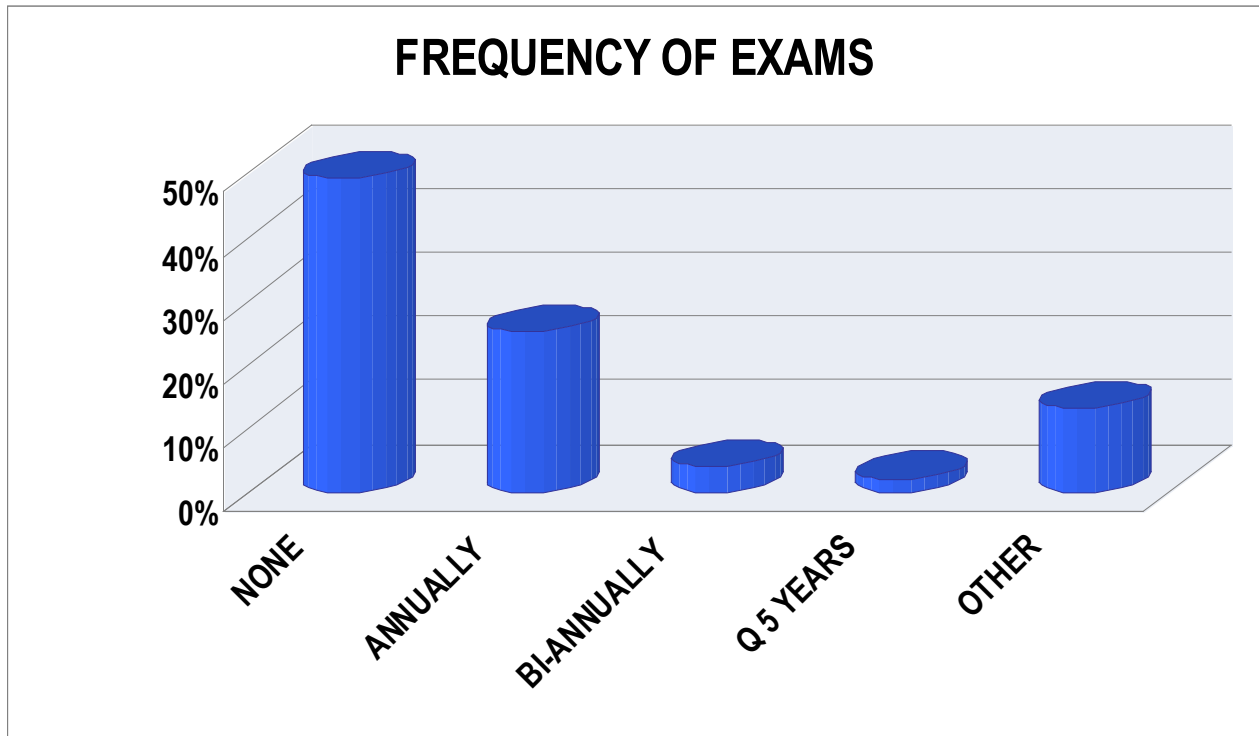


FIGURE 3

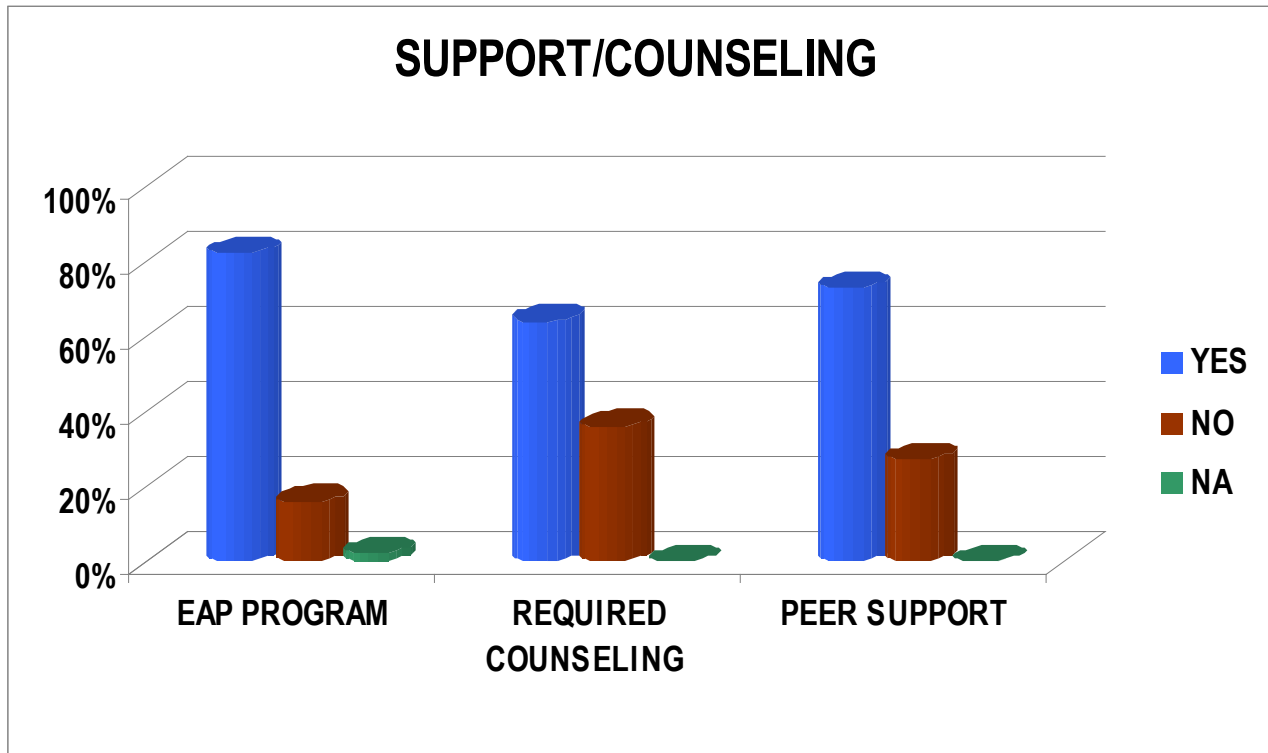


FIGURE 4

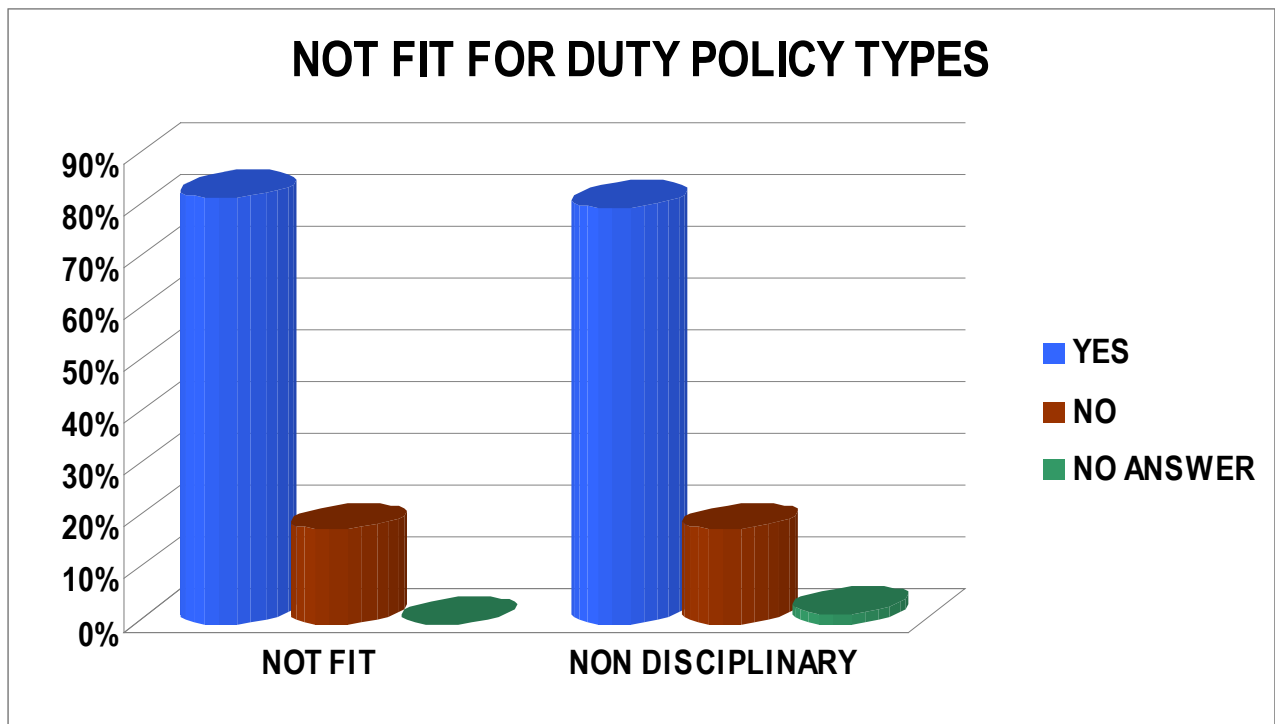


FIGURE 5

