

**REVISED STATEMENT OF WORK
FITNESS FOR DUTY EVALUATIONS VA MEDICAL HEALTH CARE SYSTEM, MINNEAPOLIS, MN**

DESCRIPTION OF SERVICES: FITNESS FOR DUTY EVALUATIONS

NONPERSONALL SERVICES: The contractor shall provide all tools, parts, materials, equipment, labor, transportation and services necessary to provide Fitness for Duty Evaluations of sworn personnel and other personnel involved in public safety functions for the Department of Veterans Affairs, One Veterans Drive, Minneapolis, MN 55417. Such evaluations are necessary for the safety and welfare of the community and department personnel, and to insure compliance with applicable state laws to ensure that all peace officers be found to be free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer.

PROCEDURES

Criteria: To assist in determining the continuing emotional and mental fitness of (Department) officers to carry out their essential duties as armed peace officers, and other employees whose duties affect the public safety, all supervisory employees should be alert to any indication that an employee may not be emotionally or mentally fit. Such indications may include but are not limited to the following factors. The mere presence of any one factor or combination of factors may not be sufficient to order the evaluation. However, such presence should not be ignored and may lead to the ordering of an evaluation. While there is a great variety and range of acceptable behavior among employees, dramatic or sudden changes in any particular employee's customary behavior may increase concern.

- One or more personnel complaints, whether originated internally or externally, particularly complaints of the use of unnecessary or excessive force, inappropriate verbal conduct, or any conduct indicating an inability to exercise self-control and self-discipline.
- An abrupt and negative change in customary behavior, toward an inability to perform essential functions of the position.
- Irrational verbal conduct or behaviors, including delusions and hallucinations.
- Suicidal statements or behaviors, or personal expressions of mental instability
- Unexplained and excessive tiredness or hyperactivity.
- Dramatic change in eating patterns resulting in sudden weight loss or gain, or diagnosis of a life threatening eating disorder.
- Change in behavior pattern to inattention to personal hygiene and health.
- Inappropriate use of alcohol, medications or other drugs, including symptoms of illegal drug use.
- Memory losses.
- Impatience or impulsiveness, especially with a loss of temper.
- A pattern of conduct indicating a possible inability or decrease in ability to defuse tense situations, a tendency to escalate such situations or create confrontations.

- Unexplained and inappropriate excessive lateness or absenteeism.
- Any other factor or combinations of factors that causes a supervisor to reasonably suspect that a fitness for duty evaluation may be necessary.

Requirements for the Evaluator. The evaluator must meet the requirements of 1031 (f) of the Government Code, which requires the mental and emotional condition of officers "shall be evaluated by a licensed physician and surgeon or a licensed psychologist with a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of mental disorders." The evaluator shall be instructed by the US Government to only release that information as allowed under this policy or as otherwise required by law.

Limited Scope of Report. The US Government has a right to information that is necessary to achieve a legitimate purpose. The evaluation is ordered by and conducted for the US Government. It is not for the purpose of treatment but to determine fitness for duty. The limited verbal and/or written results of the evaluation will be provided to the US Government as a confidential personnel record. The report and information received by the department shall be limited to:

- a conclusion regarding the determination of fitness for duty,
- a description of the functional limitations of the employee,
- whether the condition that leads to the functional limitations is industrial or non-industrial in nature,
- other information to the extent authorized by law, necessary to achieve the legitimate purpose of the employer.
- no statement of medical cause shall be included.

Exception: Where the employee has initiated a law suit, arbitration, grievance, worker's compensation or other claim or challenge involving his or her medical history, mental or physical condition, or treatment, the report may contain information which is relevant to that action.

An employee may waive in writing any or all restrictions on the information reported to the employer.

Disposition of Report. The contractor shall establish appropriate procedures to protect the information from unauthorized use or disclosure. The report may only be used or disclosed in a legitimate and appropriate proceeding to the extent authorized or compelled by law.

Refusal to Cooperate. The contractor shall immediately report to the Contracting Officer's Technical Representative of any refusal to cooperate by a US Government employee.

CONTRACT SECURITY

1. PURPOSE AND SCOPE

- a. This handbook establishes the security requirements, procedures, responsibilities, and departmental framework for ensuring that security is included in appropriate Department of Veterans Affairs (VA) contracts and acquisitions.
- b. This handbook applies to all VA contracts in which VA sensitive information is stored, generated, transmitted or exchanged by a VA contractor, subcontractor or third-party, or on behalf of any of these entities regardless of format and whether it resides on a VA or a non-VA system, for the contractor, subcontractor, or third party to perform their contractual obligations to VA for the acquisition of goods or services where they stand in lieu of VA and act on VA's behalf. Other agreements that involve disclosures of VA sensitive information (e.g., Business Associate Agreement (BAA), Data user Agreement (DUA), Data Transfer Agreement (DTA), Memorandum of Understanding (MOU), or sharing, executive, or computer matching agreements with another federal agency that is subject to FISMA) are outside the scope of this handbook and are not governed by these provisions.

2. BACKGROUND

- a. Purpose: To provide examining physicians and psychologists with guidelines for determining the physical qualifications and the emotional and mental stability of VA Police Officer position applicants and incumbents.
- b. Applicability: These standards apply to all applicants for initial appointment in the GS-083 series, including in-service applicants not already in the GS-083 series. All VA police officers, detectives and supervisors, to include chiefs, will be reexamined annually to determine their continued physical and emotional suitability to perform the functional requirements of the position.
- c. Use: A copy of the OPM Qualification Standard Manual for the GS-083 Police Series along with a copy of these instructions will be provided to the examining physician with the SF 78-110, Certificate of Medical Examination, with functional requirements and environmental factors annotated as illustrated in this appendix. Examinees must be medically certified on Part D of the SF 78 110 by signature of the examining physician as eligible under these standards.
- d. Physical Requirement: VA Police Officers must be capable of arduous physical exertion. This includes the ability to carry persons in emergency evacuations, to run to the assistance of offense victims, and intercede in physical disturbances. Any structural or functional limitation or defect which tends to interfere materially with a high degree of physical activity will disqualify. All applicants must:
 - i. Demonstrate to the physician's complete satisfaction the upper and lower body strength and movement coordination necessary to perform the functional requirements circled on the SF 78 associated with this standard.
 - ii. Have good distant vision in each eye and ability to distinguish basic colors.

- iii. Be able to hear the conversational voice without the use of a hearing aid.
 - iv. Possess complete and functional limbs.
 - v. Possess emotional and mental stability.
- e. Psychological Assessment: The initial and annual medical examinations must include a psychological assessment of the applicant/officer's emotional and mental stability by a psychiatrist or psychologist. Police officer duties include personal encounters with patients, visitors, and other employees. Encounters are often with mentally ill, irrational, or disturbed persons who, although assaultive or destructive, must be handled with understanding, full control of force, and unimpeded judgment. Any emotional or mental condition which could cause the applicant/officer to be a hazard to others or self during stress situations and physical altercations will disqualify. The psychological assessment will be limited to an interview by a psychologist or psychiatrist covering only job related factors.
- f. Psychological Testing: Standardized psychological testing may be used only after reason to question the applicant/officer's suitability has arisen. If, during the psychological assessment, the psychologist/psychiatrist has an articulable reason to doubt that the officer is capable of performing the duties of a police officer, the psychologist/psychiatrist should make a formal recommendation for psychological testing to the Employee Health physician. In such a situation the Employee Health physician may approve such a recommendation and direct appropriate psychological testing. The Office of Security and Law Enforcement (in consultation with the VHA Mental Health Strategic Health Care Group in Central Office) will provide and update guidance for both the psychological assessment and psychological testing.
- g. The Federal Information Security Management Act (FISMA) (116 Stat. 2946, 2950) states that "each agency shall...provide information security for the information and information systems that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source." Information security is an important business process and must be considered in all phases of an acquisition and contract life cycle to ensure that VA's sensitive information and information technology assets are adequately protected. Failure to adequately address security in appropriate VA agreements or solicitations can jeopardize mission success and undermine public confidence. Contracting Officials (CO) together with Chief Information Officers (CIO), Information Security Officers (ISO), Privacy Officers (PO), and legal counsel provide a valuable service in the acquisition and contracting process to help identify and mitigate security issues in solicitations, contracts, task orders, and third party agreements that involve VA's sensitive information.
- h. When relying on contractors, subcontractors, or third party servicers or associates, VA transfers operational responsibilities for performing one or more business functions (e.g., Information Technology (IT) services) to these partners. However, it still remains VA's responsibility to ensure the protection of these assets is addressed via compliance with applicable security regulations and policy on the part of these partners and contractors.

- i. In order to comply with FISMA and other Federal legislation, VA has established its Information Security Program by issuing VA Directive 6500 and its accompanying handbooks to assist in complying with this program. To ensure security is included in appropriate VA acquisitions and contracts, the following appendices are being issued with this Handbook to assist the field:

(1) Checklist for Information Security in the Initiation Phase of Acquisitions, Appendix A.