

FATIGUE MANAGEMENT

1. The Delaware State Police recognizes that police work involves overtime that is unavoidable or mandatory while, at the same time, creates opportunities to work optional or voluntary assignments. As a result, the Division has an interest in maximizing probability that employees operating in the high-risk profession of law enforcement are fit for duty. Equally important is the responsibility of employees to be well-rested when they report to work.
2. Many studies have been conducted on high risk professions about fatigue and the effects it has on physical and cognitive performance. These industries include aviation, trucking, maritime, and nuclear power plants where strict rules apply on how many hours employees can work consecutively with mandatory rest periods. Similar to these industries, police work is inherently dangerous and demands a sharp, well-rested employee to ensure the safety of the public and the individual.
3. In a concerted effort to minimize serious injury or death to employees or citizens, the Division is mandating "Off" time so that employees have the opportunity to reduce any fatigue.

Definitions:

1. **Overtime:** Any assignment outside the employee's normal tour of duty that is mandatory or voluntary regardless if it is paid or un-paid (AT) compensation.
2. **Voluntary Overtime:** Any assignment, AT event such as recruiting events, special duty or pay job, mental health transport, secondary employment, or minimum staffing supplement where the employee *requests or volunteers* for the assignment over and above their normal tour of duty.
3. **Mandatory Overtime:** Any assignment in which the employee has been ordered to work or attend and includes required court appearances, training, emergencies, or critical incidents.
4. **24-Hour Period:** Any and every calculable 24-hour period that starts when the employee begins any scheduled or voluntary work assignment.
5. **Fatigue Recovery Period:** Time off from any assignment so that the employee may recuperate from a mandated Division related fatiguing event and prepare for their next work assignment.
6. **7-Day Work Week:** Sunday through Saturday for all employees.

Policy:

1. All employees are required to have eight (8) consecutive hours OFF within any and every calculable 24-hour period.
 - A. Court standby will be considered "OFF" time for the purpose of calculating the above consecutive hours, however will be compensated in accordance with the DSTA contract.

2. No employee may work more than forty (40) hours of voluntary overtime in a 7-day work week.
3. Employees shall schedule their voluntary assignment(s) to comply with this policy.

Exemptions:

1. Executive Staff may authorize exceptions to this policy based on immediate operational needs.
2. With the following provisions, emergency circumstances, including but not limited to critical incidents, severe weather, or mandatory shift holdover may warrant exemptions.
 - A. On-duty supervisors must be promptly notified and should arrange the relief of the employee as soon as practical.
 - B. Employees activated for an emergency operation are required to notify the supervisor, or, if applicable, their Special Unit OIC if they have not had adequate time off or finished fatigue recovery period as required in this policy.
 - C. The OIC will assess the employee's fitness for duty based on the guidelines of this policy and contact the Executive Staff for a decision regarding the exemption.
3. Employees assigned to the Aviation Section are exempt from this policy only while on Aviation duty, during which time they are required to comply with the Aviation Section and FAA restrictions.

Mitigation Plan for Divisionally Fatigued Employees:

1. Employees who are required to work a mandatory assignment, activated for an emergency, or attend a mandatory court appearance and who are not able to achieve eight (8) consecutive **OFF** hours in the 24-hour work period will be deemed **fatigued**.
2. Employees deemed fatigued will begin an eight (8) hour **Fatigue Recovery Period (FRP)** after the completion of the assignment.
3. Employees who have worked in excess of nineteen (19) **continuous mandatory hours** or have not slept for 24 or more hours as a result of working mandatory overtime will be deemed **highly fatigued**.
 - A. Highly fatigued employees will be removed from their post as soon as practical to begin an eight (8) hour FRP.
 - B. Highly fatigued employees will not be allowed to operate divisional vehicles and alternate transportation will be arranged.
4. Fatigued employees on FRP will not report for any work assignment, mandated or voluntary, or operate any Divisional vehicle once they begin a FRP. The purpose of the FRP is to allow the fatigued employee time to recuperate from fatigue.

5. Fatigued employees scheduled to report for any regular mandatory work during a FRP will immediately contact their Unit/Troop Administration or on-duty supervisor who will ensure adequate staffing during the FRP.
6. Any employee on FRP who has a mandatory court appearance subpoena must notify the Troop Administration or on-duty supervisor so that the proper court may be contacted.
 - A. A continuance will be requested on behalf of the employee using the same premise as if the employee was ill or not fit to report to court.
 - B. Employees will not be disciplined for missing court due to an FRP unless they are ordered by the Troop Commander or Executive Staff to report and fail to appear.
 - C. In exigent circumstances, troop administrators have the option of driving and escorting the fatigued employee to a court appearance; however, once court has been completed, the need to extend the FRP will be evaluated.
7. Employees who are on a FRP are expected to use the time to recuperate from fatigue preparing to report for their next tour of duty.
8. Employees are not to be recalled for any assignment during a FRP except for critical operational needs as authorized by the Superintendent. If activated during a FRP, the need to extend the FRP at the end of the emergency activation will be evaluated.
9. Under certain emergencies or exigent circumstances, Troop Commanders may postpone the FRP and authorize fatigued employees to continue to function in a safe, low-risk environment that has limited or no access to the public.
 - A. Safe low-risk environments or assignments include, but are not limited to, preparing warrants, finishing required paperwork, or conducting interviews with a second employee present. It does **not** include working any assignment where the employee will be making critical operational decisions or have direct interaction with the public, witnesses, or suspects/defendants such as working the front troop desk, monitoring detainees, or acting as the Officer-in-Charge at a remote location or command post.
10. Nothing in this policy precludes a supervisor from prohibiting a fatigued employee from operating a Divisional vehicle. In such cases, or if the employee requests a ride due to fatigue as defined above, the supervisor shall arrange transportation.
11. Employees on FRP are required to report for any remaining hours of their regular duty assignment immediately after the end of the eight (8) hour FRP.
 - A. Employees may seek approval from their supervisor to utilize vacation or AT leave in lieu of reporting to work at the end of the FRP, however the leave will NOT be approved if overtime is being paid to another trooper to work for the employee who has completed their FRP. For instance if minimum staffing and the work volume allow, and another trooper is not being paid overtime to cover the absence, the use of leave will be permitted.

12. Fatigue Recovery Period Example:

- A. An employee on night work completes their regular 12-hour tour of duty at 0500 hours. She/he is called into Superior Court from 0900 to 1330 hours (i.e. mandatory overtime). The employee returns to his/her residence at 1400 hours. The employee is scheduled to work from 1700 to 0500.
 - 1. The Employee will immediately notify the on-duty troop administration or supervisor of his/her fatigue status.
 - 2. The 8-hour FRP begins at 1400 and ends at 2200 hours.
 - 3. The Employee will report to work at 2200 hours.
 - 4. The Employee will complete their regular tour of duty.
- B. During the OFF period from 1400 hours to 2200 hours, the employee is restricted from working and/or operating any Divisional vehicle and is expected to recuperate from the fatigue.
- C. There shall not be any reduction in the Employee's regular compensation based upon the fatigue recovery period resulting from mandatory overtime.

13. Troop Commanders may fill minimum staffing for patrol positions in the absence of troopers restricted by a FRP. Troop Commanders shall ensure the overtime sheets are noted with "Fatigue Recovery Period" to include the name of the employee being replaced and the reason.

- A. Example: "Fatigue Recovery Period for Cpl John Doe due to SORT activation."

Miscellaneous

- 1. Nothing in this policy shall prevent supervisors or commanders from limiting or restricting an employee's voluntary overtime assignments if an employee's performance or ability to complete their full normal tour of duty is below expectations.
- 2. This policy supersedes the Division's Special Duty Policy only as it pertains to limits on hours of special duty allowed per day or per week.

Revised: April 2019

OPR: Director of Human Resources