

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Policy Number 1045.1: Guidance for Supervisors on Mission Readiness and Employee Safety

Issue Date: August 4, 2015
Effective Date: August 5, 2015
Superseded: None.
Federal Enterprise Architecture Number: 306-112-002a

1. **Purpose/Background.** The health, safety, and security of employees are chief concerns for U.S. Immigration and Customs Enforcement (ICE). This Directive is designed to provide guidance to supervisors regarding steps to take when employees display potential signs of stress or other conditions indicating a threat to the safety of the employee or others in the workplace.
2. **Policy.** In order to promote the safety and mission readiness of all employees and to reduce the risk of workplace violence, ICE supervisors are responsible for assessing employee conduct and performance through daily observation and interaction. Supervisors should take notice of signs indicating a potential threat to the safety of the employee or others in the workplace, which could include, but are not limited to, an uncharacteristic decline in work performance that can reasonably be attributable to a medical condition, demonstration of inappropriate behavior towards other employees, and/or reliable information from a credible source indicating the employee may be a threat to himself or herself or to others. These changes could be a sign of elevated employee stress that may require supervisory action.
3. **Definitions.** None.
4. **Responsibilities.**
 - 4.1. **The ICE Office of Human Capital (OHC) Medical Officer** is responsible for reviewing medical documents submitted by an employee to the agency requiring action by the agency. This includes temporary or permanent activity restrictions, reasonable accommodation requests in coordination with the ICE Office of Diversity and Civil Rights (ODCR), special leave requests such as advanced sick leave or leave under FMLA, and extended absence from work attributed to a medical condition. This does not include infrequent sick leave requests.
 - 4.2. **ICE Supervisors** are responsible for:
 - 1) Initiating a dialogue with the employee exhibiting poor performance or conduct; explaining the observed conduct or performance issues to the employee; asking the employees whether assistance is needed; and documenting the employee's conduct

discussion regarding an employee's medical condition. Supervisors will document these conversations with employees.

- 2) Based upon the dialogue with the employee and the supervisor's level of concern about the health, safety, and security of the employee and others in the workplace, the supervisor must decide whether to continue follow up discussions with the employee and monitor the situation, or if the supervisor reasonably believes that the performance or conduct at issue is attributable to a medical condition, contact the ICE OHC Medical Officer at [REDACTED (b)(7)(E)] and the OHC Employee Relations Division at [REDACTED (b)(7)(E)] for guidance and analysis, or take immediate action as defined in section 5.1 of this Directive.
- 3) Informing second line supervisors of the reasons for the supervisor's concern and of the steps the supervisor is taking to ensure the health, safety, and security of the employee and/or other employees within the workplace.
- 4) Referring the employee to the ICE Peer Support Program established in ICE Directive No. 1037.1, and/or the Employee Assistance Program, and/or the ICE ODCR Reasonable Accommodation Program.

5. Procedures/Requirements.

5.1. In situations presenting an immediate threat (situations in which an employee is threatening or exhibiting violent or disruptive behavior, and/ or appears to be under the influence of substances impairing judgment or safety), supervisors must consider removal from ICE premises by notifying the onsite Federal Protective Service (FPS) uniformed guards, ICE law enforcement personnel (OPR/HSI/ERO), or dialing 911 if ICE resources are not available. In situations of extreme threats such as an active shooter supervisors should immediately call 911 and onsite physical security personnel. Supervisors must also ensure immediate, appropriate medical attention is given to any employee who appears to be undergoing a medical emergency by calling 911. Once the immediate threat is secured, supervisors must contact the OHC Employee Relations Division.

- 1) In situations in which the employee is presenting an immediate threat, as referenced in 5.1. and is a law enforcement officer, supervisors must retrieve all government issued firearms, law enforcement credentials, PIV card/ building access cards, and body armor in accordance with Part (I)(H)(5) of the interim ICE Firearms Policy.
- 2) Supervisors must also contact the ICE OHC Medical Officer at [REDACTED (b)(7)(E)] explain the observed conduct or performance, explain the dialogue with the employee, request a review of any medical documents, if available, and request analysis and recommendations regarding fitness for duty.

5.2. When the employee is a law enforcement officer and the situation does present an immediate threat to health, safety or security, but the supervisor believes observed performance or conduct is reasonably attributable to a medical condition, supervisors

must contact the ICE OHC Medical Officer at [REDACTED (b)(7)(E)] explain the observed conduct or performance, explain the dialogue with the employee, request a review of any medical documents, if available, and request analysis and recommendations regarding fitness for duty, including recommendations for retrieving firearms.

When the employee is not a law enforcement officer and the situation does present an immediate threat to health, safety or security, but the supervisor believes observed performance or conduct is reasonably attributable to a medical condition, the supervisor must contact the OHC Employee Relations Division.

- 1) If a medical condition is present and the employee states the condition is impairing his or her ability to perform his or her job, or for which a reasonable accommodation is needed in order for them to perform the job, supervisors should contact the ICE Reasonable Accommodation Coordinator at [REDACTED (b)(7)(E)] regarding the ICE Procedures to Facilitate the Provision of Reasonable Accommodation as set forth in ICE Directive No. 8011.1 and all applicable collective bargaining agreements.

5.3 In situations where the authorization to carry firearms has been suspended, the ICE OHC Medical Officer will provide a review and written recommendation based upon medical documents provided by the employee. The return to full duty and reinstatement of the authorization to carry firearms will be based upon an assessment conducted under the authorities granted to ICE under the Office of Personnel Management's regulations and consistent with the requirements of Equal Employment Opportunity Commission regulations.

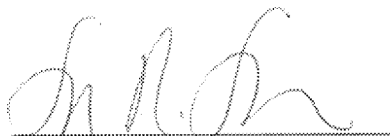
- 1) The OHC Medical Officer will provide questions to be answered by the employee's healthcare provider. This information is necessary in making a medical determination of fitness for return to full duty, including authorization to carry firearms as appropriate.
- 2) Management's documented observations of the employee's behavior, conduct and performance are critical in the fitness for duty process.
- 3) All recommendations from the OHC Medical Officer will be coordinated with ICE OHC Employee Relations.

6. Authorities/References.

- 1) Title 5, C.F.R., Part 339.
- 2) Title 29, C.F.R., Part 1630.

7. Attachments. None.

8. No Private Right. These guidelines and priorities are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.



Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement