JANICE K. BREWER
GOVERNOR

STATE OF ARIZONA

EXECUTIVE OFFICE

April 23, 2010

The Honorable Kirk Adams
Speaker of the House
Arizona House of Representatives
1700 West Washington Street
Phoenix, Arizona 85007

Re: House Bill 2043 - Law Enforcement; Duty Fitness Examination

Dear Speaker Adams:

Today I vetoed House Bill 2043. This bill was introduced to establish requirements for employers of law enforcement and probation officers regarding final reports and preexamination materials related to fitness for duty examinations. Employers may require officers to submit to a fitness for duty examination to assess whether an officer is able to perform the essential functions of his or her position due to a possible physical or mental condition.

House Bill 2043 requires that if an officer is determined to be unable to perform the essential functions of their job because of a physical condition, the employer shall provide the officer with the final report of the fitness for duty examination, as well as any pre-examination materials. I am concerned that this legislation does not allow for the redaction of sensitive information from those reports. Arizona's law enforcement officers are critical to maintaining the safety of the public. If an officer notices a colleague is unable to perform his or her duties, that officer *must* report those concerns. This is an appropriate requirement. An officer that is unfit for duty could pose a serious safety risk not only to his fellow officers, but also to the public. I am concerned, however, that the requirement that the reporting officer's name be disclosed may cause him to refrain from reporting until it is too late and someone may become seriously injured.

I am also concerned that this legislation will apply across the board to all fitness for duty examinations within law enforcement and probationary employment. Employers of law enforcement officers and probation officers have the ability to establish policies and procedures for fitness for duty examinations within their organizations. This legislation would force agencies that already have efficient policies and procedures in place to eventually change those processes.

For these reasons I have chosen to veto House Bill 2043.

Sincerely,

Janice K. Brewer
Governor

cc: The Honorable Bob Burns
The Honorable John Kavanagh

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2043

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1103; RELATING TO LAW ENFORCEMENT AND PROBATION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

April 19, 2010,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2010

at 4:20 o'clock P. M.

Secretary to the Governor

Approved this _____ day of

_____, 20_____,

at _____ o'clock _____ M.

VETO

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2043