

## Fitness For Duty Evaluations

## Section 1.3

### PURPOSE

The City seeks to provide a work environment that is safe for all employees. At times, it is possible that the physical or psychological condition of an employee may create a work environment that represents a danger to the employee, the employee's coworkers or others.

When there is reason to believe that an employee's physical or psychological health is impaired to the extent that it affects the employee's ability to perform the essential function of his/her job, or presents a safety risk to that employee or others, a fitness for duty evaluation may be conducted. The purpose of a fitness for duty evaluation is:

- To determine if the employee is medically able to perform the essential functions his/her job duties in a safe and efficient manner, and;
- To help the employee obtain appropriate treatment or accommodations, if necessary, so that the employee can successfully return to work with the City whenever possible.

Such exams may consist of such tests, processes, evaluations and medical histories as the HR/RM Director may deem reasonably necessary to determine the condition of the health of the applicants or employees for employment.

### POLICY

Requests for Fitness for Duty Evaluations: A Department Director or designee may request a fitness for duty evaluation for an employee in his/her department if the employee demonstrates an inability to adequately perform the essential functions of his/her job for apparent physical or psychological reasons, or if there is good cause to believe that the employee's behavior or condition represents a health or safety risk. The request should be directed to the HR/RM Director in a confidential memo that provides the reason for the request.

Criteria for Conducting a Fitness for Duty Evaluation: The HR/RM Director will review the request by considering the following criteria:

- Observations of job performance difficulties that appear to be related to psychological or physical conditions;
- Indications of safety or health risks to the employee or others;
- Indications that the department has taken any other appropriate steps to help the employee such as job accommodation or use of the Employee Assistance Program (EAP);
- A determination that the matter is not already being handled through either the worker's compensation or disability retirement systems;
- A determination that the request is not being used as a substitute for progressive discipline, when the employee appears to be capable of satisfactory job performance.

Role of the Health Care Provider: If approved, the fitness for duty evaluation will be referred to a health care provider. The health care provider will review any pertinent medical records available for the employee and may schedule a meeting with the employee to discuss the medical issues and the fitness for duty process. Depending on the health care provider's assessment of the appropriate course of action, he/she may then use the services of an outside medical specialist for evaluation or consultation. Upon completion of the evaluation, the health care provider will make a recommendation to the HR/RM Director.

**Referral to EAP:** If the issues are related to the employee's mental or emotional state, but do not appear to present an imminent risk to the employee or others, it may be appropriate to refer the employee to the City's EAP for counseling, prior to requesting a fitness for duty evaluation.

**Use of Drugs and Alcohol:** Violations of the City's substance abuse policies should be handled according to the agreements established with the various bargaining units. When a reasonable suspicion exists that an employee is under the influence of a controlled substance, the supervisor should consult the appropriate MOU or the HR/RM Department for guidance in how to proceed. Incidents of potential drug or alcohol abuse should generally not be considered for a fitness for duty request.

**Employee's Status during the Fitness for Duty Evaluation:** If an employee can continue working in his/her regular job without posing a threat to personal or public safety, the employee may be permitted to do so during the period of time the fitness for duty evaluation is conducted. If this is not possible, the employee may be placed in a modified assignment or placed on a paid leave of absence. Generally, these leaves of absence are paid medical leaves utilizing sick leave or administrative leave. In the event an employee does not have any paid medical leave available and the leave of absence is involuntary due to a City imposed fitness for duty evaluation, the City shall ensure the employee is provided with a paid leave of absence to cover the time required to conduct the fitness for duty evaluation. Consult with the HR/RM Director for determination of appropriate leave for a specific case.

**Confidentiality:** Medical information pertaining to City employees is strictly confidential. Any information generated for the fitness for duty evaluations shall be restricted, with access only to the medical staff and the HR/RM Director (or his/her representative). Department Directors or their designated representatives will be informed of the outcome of the evaluation, including any recommended treatments or job accommodations. Department Directors will normally not receive access to the doctor's reports, with the exception of the Police Department, which may have a need to review reports involving sworn personnel, based on considerations of public safety. The results of the fitness for duty will be retained only in the employee's confidential medical file in the HR/RM Department.

**Results of the Evaluation:** After the health care provider completes the evaluation; he/she will prepare a confidential report with recommendations to the HR/RM Director. A report to the department that initiated the request will indicate whether the employee is able to return to full duty or not, and what restrictions, if any, apply. The report may also recommend treatment, either as a condition of employment or at the option of the employee. Information will be released to the affected department strictly on a need-to-know basis.

**Funding:** Since the HR/RM Department has limited funding available for fitness for duty evaluations, departments may be asked to cover the costs of a fitness for duty evaluation, including the health care provider's time.

## **OPERATIONAL PROCEDURES:**

<b>Department Director</b>	Sends memo to the HR/RM Director requesting a fitness for duty evaluation.
<b>HR/RM Director</b>	Reviews memo and approves or denies request based on the criteria described above.
<b>Supervisor / HR/RM Department</b>	If approved, the employee's supervisor informs the employee of the request and the process. The HR/RM department contacts the health care provider for initial arrangements.

**Health Care Provider**

Obtains any pertinent medical records from the employee's physician or worker's compensation.

Reviews the medical records, conducts an evaluation and obtains outside consultation if necessary.

Reports findings and recommendations in writing to the HR/RM Director.

**HR/RM Department**

Communicates and coordinates with Department Director as needed.