

Revision Date: 11/15/02

POLICY

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Norma McKinney, Personnel Director

CONDUCTING URGENT FIT FOR DUTY MEDICAL EXAMINATIONS

This policy updates the revised In-service/Fit For Duty Examination Procedure, originally part of the June 1982 Pre-employment and In-service Examination Procedure.

Applies to all City employees in all positions

1. **The City expects employees to report for work each day as scheduled, and to be alert, rested and physically able to satisfactorily perform their work with reasonable skill and safety.**

Supervisors may consult with the City's employee assistance program (EAP), Human Resources Representative (HR), Safety Staff, or ADA Coordinator as resources addressing work performance issues.

2. **The City will conduct a Fit For Duty (FFD) examination under the following circumstances.** An accident, injury*, incident, or employee's behavior, speech or appearance causes a supervisor to suspect a physical or psychological condition may be impairing an employee's ability to satisfactorily perform work with reasonable skill or safety. * If injury is involved requiring immediate medical treatment, medical treatment should supercede the FFD procedure.

(A non-urgent medical exam can be scheduled when an employee has a medical condition that is ongoing, long-term and non-urgent in nature.)

3. **A FFD Exam is a specific medical examination conducted by an occupational physician.**

The physician:

- reviews unusual work behavior affecting the employee's job performance as observed and documented by supervisory personnel;
- evaluates the employee's physical and psychological condition;
- may refer the employee to his/her own physician or medical specialist, order laboratory tests, conduct breath alcohol and urine drug tests, or any other medical procedures the physician deems appropriate; and
- determines the employee's ability to satisfactorily perform his or her job with reasonable skill and safety.

4. **The City respects confidentiality during the exam process.**

5. **The City respects employee rights under collective bargaining agreements (Weingarten).**

6. **Citywide Safety Unit (Personnel Department) centrally manages this program in partnership with Department HR and Safety Staff.**

To ensure citywide consistency, the Citywide Safety Unit establishes policies and procedures, contracts with qualified vendors, conducts training, develops forms, processes billing, and guides and assists departments in this process.

7. **The Safety Unit pays for the costs of FFD exams from the Workers' Compensation fund.**

Effective Date: 6/15/98

PROCEDURE

Procedure:
CONDUCTING URGENT FIT FOR DUTY MEDICAL EXAMINATIONS

Action by	Action
<i>Supervisor</i>	<p>1. Receives report of or observes an accident, injury*, incident, or employee's behavior, speech, or appearance that causes the supervisor to suspect an employee's physical or psychological condition may be impairing their ability to satisfactorily perform work with reasonable skill or safety. *If injury is involved requiring immediate medical treatment, medical treatment should supercede the FFD procedure.</p> <p>If receives report of behavior, observes or confirms the reported conduct or investigates the report before taking further action.</p> <p>2. Takes necessary action to prevent injury or harm to employee or others.</p> <p>3. Secures and protects any evidence of alcohol, drugs or drug use if found from destruction or contamination.</p> <p>4. When possible, contacts management representative to validate observations.</p>
<i>Second supervisor or manager</i>	<p>5. Validates or invalidates observations with first supervisor</p>
<i>Supervisor</i>	<p>6. Consults with Human Resources Representative (HR), Safety Staff, or Citywide Safety Unit for assistance as appropriate.</p>
<i>HR/Safety Staff</i>	<p>7. Provides advice and answers questions about the FFD policy and procedures or responds in person as necessary or requested.</p>
<i>Supervisor</i>	<p>8. Documents observations on "City of Seattle Behavior Observation Form" and includes additional information if relevant or if this incident is part of a pattern of behavior.</p> <p>9. In the presence of a management witness, meets with employee and presents the "Behavior Observation Form" documenting the supervisor's observations.</p> <p>9a) If the employee could receive discipline as a result of the incident, arranges for an opportunity for the employee to consult with the most readily available union representative (Weingarten).</p>

Employee

- 10. Responds** to the presentation of the "Behavior Observation Form" by doing one of the following:
- a. **provides** explanation
 - b. **provides** no response
 - c. **refuses** to cooperate
 - d. **admits** to substance abuse.

Supervisor

- 11. Documents** employee response and explanation if given, and may consult HR, and/or Citywide Safety for advice on how to proceed.
- 12. Evaluates** all information and **decides** if urgent Fit For Duty Medical Examination is warranted.

If Fit For Duty Medical Examination is not warranted, consults with Management, HR/Safety Staff to decide what further action is appropriate.

Note: If the employee's explanation establishes or relates to a long term non-urgent medical condition which prevents the employee from performing his/her job, **consults** with Department ADA Coordinator.

- 13. If decision is to conduct Fit For Duty Medical Examination, (See Supervisor TSK 150, step 7) contacts** City Safety Unit 206-684-7959 or 206-605-4324 (24/7 cell).
- 14. Ensures** Safety Staff has contacted the contracted occupational medicine provider to advise of the Fit For Duty Medical Examination and **receives** instructions as to which medical facility to transport the employee to for the Fit for Duty Exam.
- 15. Transports** employee to medical facility as instructed or **arranges** for HR/Safety Staff to assist in transportation.

Physician

- 16. Completes** medical examination and appropriate medical procedures as necessary and
- 17. Determines** whether employee is able to perform his/her job with reasonable skill and safety.
- 18. Completes** the *HealthCare Professionals Findings and Recommendations* form and **returns** all original forms to the supervisor.

Supervisor

- 19. Transports** or **arranges** for transportation back to the worksite and **informs** Department HR/safety staff of examination results.
- 20. Sends** copies of all documents to Department HR/safety staff and **FAX's** copies of all documents within 24 hours to the Citywide Safety Unit 206-470-6841.
- 21. Informs** employee that an HR representative will contact him/her with further instructions.

Effective Date: 6/15/98

☑ TASK LIST FOR SUPERVISOR ☑

Task:

CONDUCTING URGENT FIT FOR DUTY MEDICAL EXAMINATIONS

When an accident, injury*, incident, or employees behavior, speech, or appearance causes a supervisor to suspect an employee's physical or psychological condition may be impairing their ability to satisfactorily perform work with reasonable skill or safety; **a supervisor**: * If injury is involved requiring immediate medical treatment, medical treatment should supercede the FFD procedure.

1. **Takes** necessary action to prevent injury or harm to the employee or others.
2. **Validates** or **invalidates** observations with a management representative when possible.
 - 2a. If management representative concurs, **continues** with step 3.
 - 2b. If management representative does not concur, **documents** reason for taking no further action regarding Fit for Duty Examination or **may continue** with step 3.
3. **Consults** with Human Resources Representative (HR)/safety staff or City Safety Unit for further assistance, and **updates** them of ongoing status of situation.
(If the employee's condition may relate to an on the job injury claim, consult with the Workers' Compensation Claims Unit).
4. If applicable, **secures** and **protects** from destruction or contamination evidence of alcohol, drugs, drug use, suspected illegal substances or drug paraphernalia found in the workplace.
 - 4a. **Contacts** Police by calling 911 and **notifies** appropriate department managers if illegal substances are found or if suspects illegal activity has occurred.
5. **Documents** on "City of Seattle Behavior Observation Form", specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech or body odors of the employee. **Signs** form and **ensures** witness also signs completed form.
 - 5a. **Includes** detailed summary of incident and copies of documents pertinent to issue when appropriate.
6. **Presents** written observations to employee, with management witness present, and **gives** employee the opportunity to respond.
 - 6a. If this discussion could result in disciplinary action and if the employee is represented by a union, **advises** the employee of his/her right to union representation or **honors** a request by the employee for union representation prior to presenting the "Behavior Observation Form" and **makes a reasonable effort to allow** the employee to briefly consult with the most readily available union representative or shop steward in person or by phone.

7. **Documents** and describes employee's response and explanation if given.

- 7a. If employee provides a reasonable explanation consistent with observations and supervisor determines employee's condition allows employee to continue working safely, **approves** employee's return to work, or;
- 7b. If supervisor concludes employee is unsafe to work, **consults** with HR or Citywide Safety Staff to decide if employee should be excused for the day on sick leave or a referral for Fit for Duty Medical Examination be made, or;
- 7c. If supervisor suspects employee may have an ongoing non-urgent medical condition that prevents the employee from performing his/her job **consults** with department ADA coordinator, or;
- 7d. If employee provides no response or refuses to cooperate, **cautions** the employee that refusal to cooperate constitutes insubordination (which will subject the employee to discipline up to and including termination of employment) and **allows** employee opportunity to reconsider.

If employee:

- (i) **cooperates**, continue with FFD process.
- (ii) **continues to refuse**, dismiss the employee from the workplace as part of the disciplinary process for insubordination.*

*If employee exhibits behavior which would prevent him/her from driving safely, and refuses transportation and/or insists on driving own personal vehicle, **informs** employee that the appropriate law enforcement agency will be notified, and, if necessary, **calls** 911.

7e. If employee admits to drug or alcohol abuse, **documents** employee's admission and continue with Fit for Duty Examination process.

- 8. **Informs** employee that he/she is being directed to submit to a Fit For Duty Medical Examination.
- 9. **Contacts** Citywide Safety Unit at **206-684-7959** (business hours) or by cell phone at **206-605-4324** (after-hours) to advise of the need for examination.
- 10. **Requests** employee to read and sign "*Employee Acknowledgement and Medical Release For Fit-For Duty Examination*" form.
 - 10a. If employee refuses to sign form or submit to the examination, **cautions** the employee that their refusal constitutes insubordination (which will subject them to discipline up to and including termination of employment) and **allows** employee opportunity to reconsider.
- 11. **Prohibits** employee from continuing to work or from operating motor vehicles or equipment **until Fit for Duty Medical Examination is conducted and results are received.**
 - 11a. If substance abuse is suspected, **ensures** employee does not consume any products containing alcohol or controlled substances until the Fit for Duty Medical Exam has been completed.

12. **Assembles** and **takes** to the medical examination the following documents:
- a) Completed "*Behavior Observation Form*" and other pertinent documents (e.g. copies of prior similar incidents or other evidence of or documentation of problem)
 - b) Signed "*Employee Acknowledgment and Release*" form
 - c) Blank "*Health Care Professional's Findings and Recommendations*" form, and
 - d) Current job analysis/description of the employee's job duties.
13. **Ensures** Safety Staff has contacted the contracted occupational medicine provider to advise of the Fit For Duty Medical Examination and **receives** instructions as to which medical facility to transport the employee to for the Fit for Duty Exam..
14. **Transports** employee to one of the medical facilities as instructed or **arranges** for HR/Safety Staff to assist in transportation
15. **Identifies** him/her self as employee's management representative to the medical staff and **provides** copies of forms outlined in *Step 12*.
16. **Remains** or **directs designee to remain** at medical facility with employee until examination is completed and **receives** copies of the examination results signed by the physician. (*Healthcare Professionals Findings & Observations Form*)

*If physician finds employee is able to perform their work duties with reasonable skill or safety, **arranges** transportation back to the worksite and confers with safety, HR or management to determine employees work status. If employee is sent home, **arranges** transportation home*.*

*If physician finds employee is NOT able to perform their work duties with reasonable skill or safety or drug and alcohol tests are ordered, **arranges** transportation home* and instructs the employee that they are not to report to work until they are notified by a management representative.*

*If employee refuses transportation home or insists on driving his or her own personal vehicle, **informs** employee that the appropriate law enforcement agency will be notified, and if necessary, **calls** 911.

17. **Informs** Department HR/safety staff of examination results and **sends** copies of all documents to Department HR/safety staff, and **faxes** copies of all documents within 24 hours to the Citywide Safety Unit 206-470-6841.