

Revision Date: 11/15/02

POLICY

Replaces: 11/29/95

Authority: SMC 4.77.040 (Ord.117418)

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>	<ol style="list-style-type: none"><li data-bbox="431 567 1414 767">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. If receives report of behavior, observes or confirms the reported conduct or investigates the report before taking further action.<li data-bbox="431 911 1414 944">2. Takes necessary action to prevent injury or harm to employee or others.<li data-bbox="431 980 1414 1047">3. Secures and protects any evidence of alcohol, drugs or drug use if found from destruction or contamination.<li data-bbox="431 1084 1414 1151">4. When possible, contacts management representative to validate observations.
<i>Second supervisor or manager</i>	<ol style="list-style-type: none"><li data-bbox="431 1185 1235 1218">5. Validates or invalidates observations with first supervisor
<i>Supervisor</i>	<ol style="list-style-type: none"><li data-bbox="431 1321 1398 1388">6. Consults with Human Resources Representative (HR), Safety Staff, or Citywide Safety Unit for assistance as appropriate.
<i>HR/Safety Staff</i>	<ol style="list-style-type: none"><li data-bbox="431 1429 1344 1496">7. Provides advice and answers questions about the FFD policy and procedures or responds in person as necessary or requested.
<i>Supervisor</i>	<ol style="list-style-type: none"><li data-bbox="431 1537 1430 1647">8. Documents observations on "<i>City of Seattle Behavior Observation Form</i>" and includes additional information if relevant or if this incident is part of a pattern of behavior.<li data-bbox="431 1679 1422 1767">9. In the presence of a management witness, meets with employee and presents the "Behavior Observation Form" documenting the supervisor's observations. 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).

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.