

5.09 FIT(NESS) FOR DUTY

A. Purpose

Management has the right to require a job related physical or psychological fitness for duty examination in order to:

1. Determine an employee's ability to perform the essential functions of the job;
2. Identify limitations or restrictions;
3. Provide a reasonable accommodation, and/or
4. Determine if an employee poses a significant health or safety risk to the employee or others.

B. Determining Necessity of Fit for Duty Examination

Departmental management, in consultation with the Manager of Human Resources, shall determine when a fitness for duty examination is warranted, and shall schedule all fitness for duty examinations with the appropriate certified medical professional. Human Resources shall notify the employee, in writing, that a fitness for duty examination is required and provide the date and time of the examination and the name and address of the medical provider. Absent extenuating circumstances, failure to attend the medical examination as scheduled will result in corrective action, up to and including termination. The findings of the examination shall be sent directly to the Manager of Human Resources.

C. Administrative Leave

An employee shall be placed on paid administrative leave if they become unfit for duty at that point. In such instances, the employee will be required to obtain a fitness for duty examination and shall remain off the job until such time as it has been determined that the employee is fit for duty. The employee shall remain on paid administrative leave pending the outcome of the examination. The cost of the examination shall be the responsibility of the County. If the employee is determined to be unfit for duty as a result of the examination, the paid leave status shall terminate.

D. Findings; Further Review

In the event that the employee disagrees with the conclusion of the Employer's physician, the employee may, at their own expense, submit to an examination by a physician of their choice in the same field of specialization as the Employer's physician. Within fourteen (14) calendar days of being notified that the employee has been determined to be unfit for duty, the employee must notify the Manager of Human Resources of their intent to submit to an examination by a physician of their choice. The examination must take place within thirty (30) calendar days of the employee's notification to the Manager of Human Resources. If the Employer's and the employee's physicians agree, their decision shall be final. If the Employer's and the employee's physicians disagree, the dispute may be referred to a neutral physician agreed upon by the Employer and the employee. The neutral physician shall be in the same field of specialization as the previous physicians, but shall not be affiliated with either physician. The cost will be divided equally between the Employer and the employee. The opinion of the neutral physician shall be final. The employee may use sick leave, or vacation during this period.

