



Date: August 18, 2011
To: All Employees
From: Charles McClendon, City Manager
Re: Fitness for Duty AP-48

A handwritten signature in black ink, reading "Charles P. McClendon", is written over the "From:" line of the memo.

Purpose:

The purpose of this policy is to establish procedures by which the City of Avondale endeavors to provide a safe work place. This policy covers only those situations in which an employee is having difficulty performing his/her work duties in a manner that is safe for the employee and/or for his or her co-workers, or posing a safety threat to self or others. This policy prescribes the circumstances under which an employee may be referred for a fitness for duty evaluation.

Definitions:

- "Employee"- Any employee who is full time, part time or temporary status employed with the City of Avondale.
- "Fitness For Duty"- The employee is physically and mentally capable of safely performing the essential functions of his/her job.

Procedures:

The City of Avondale is committed to providing a safe workplace for all employees. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to the City, or to the public.

- All employees are expected to be physically and mentally fit to perform their jobs in a safe manner at all times. If an employee is not able to perform his or her job function or is taking any medication that might affect his or her ability to do their job, the employee shall notify Human Resources immediately.

- If a supervisor or manager believes the employee is not fit for duty the supervisor or manager shall notify Human Resources immediately. Alternatives may be; the employee may be sent home, relieved of certain duties, assigned to different duties, assigned to light duty, requested to take a medical examination or assessment, or be evaluated by physicians or other health care practitioners designated by the City of Avondale, as necessary to determine ongoing fitness for duty.
- Individuals undergoing Fit for Duty evaluation shall be assigned a contact within Human Resources to facilitate the process. Within this process compensation and benefits will be discussed on an individual basis.
- Any employee who refuses to cooperate with a determination of whether he or she is fit for duty may be subject to disciplinary action, up to and including termination.
- The City of Avondale reserves the right to require a fitness for duty after an employee is released from an industrial leave.
- Impacted employees may be eligible for benefits. Contact Human Resources to discuss your options. You may not return from a fit for duty assessment or medical examination until a determination is made that you may return to work.
- The City of Avondale utilizes a 3rd Party independent medical provider to communicate with the employee's medical provider and assist in assessing the employee's fitness for duty as applicable. Employees may be requested to sign authorization forms to release medical records and/or information.
- This policy will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act (ADA) and the Family Medical Leave Act (FMLA) and any other protected status.

Confidentiality

Any records or information obtained by a Fit for Duty process that reflect diagnosis, evaluation, or treatment of an employee's medical or mental health condition are confidential and shall be maintained by the Human Resources Department in a separate file. All protected health information will be protected under Health Insurance Portability and Accountability Act of 1996 (HIPAA). Human Resources comply with Federal Retention Guidelines.