

Personnel Rule 8.3 – Fit for Duty Medical Examination

8.3.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC Chapter 4.77 and subsequent revisions thereto, Drug-free workplace and drug and alcohol testing

8.3.1 Definitions

- A. “ADA Coordinator” shall mean the individual designated within the employing unit to manage the disability accommodation process.
- B. “Administrative reassignment” shall mean the removal of an employee from the workplace without loss of pay, paid leave or benefits, authorized by the appointing authority when the employee is the cause or subject of, or otherwise significantly affected by an active investigation related to alleged violations of personnel rules, City ordinances, or state or federal laws or regulations, or an investigation intended to determine the employee’s fitness for duty.
- C. “Appointing authority” shall mean the head of an employing unit, or his or her designated management representative, authorized by ordinance or City Charter to employ others on behalf of the City. The term includes and can be used interchangeably with department head, department director, superintendent and chief.
- D. “Employing unit” shall mean any department of the City and, within the Executive and Legislative Departments, any office established by ordinance.
- E. “Fit for duty medical examination” shall mean a medical examination of an employee conducted at the City’s request by, under the authority of or in consultation with an occupational medicine physician when an accident, injury, incident or the employee’s behavior, speech or appearance causes a supervisor to suspect that the employee’s ability to satisfactorily perform work with reasonable skill or safety may be impaired.
- F. “Seattle Human Resources Director” shall mean the head of the Seattle Department of Human Resources or his or her designated management representative.
- G. “Supervisor” shall mean the employee who is responsible, on behalf of the appointing authority, to hire, assign and direct other employees, and to recommend disciplinary action as appropriate.

8.3.2 Application of this Rule

- A. This Rule applies to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with

- the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to employees who are employed under the terms of a grant that includes provisions that conflict with this Rule. Such workers are subject to applicable federal, state and local laws.
 - D. This Rule does not apply to individuals hired by the City on an interim, on-call, seasonal or temporary basis, or for a work schedule of fewer than 20 hours per week; nor does it apply to individuals hired under contract to the City. Such workers are subject to applicable federal, state and local laws.
 - E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel systems within their employing units, provided that such procedures do not conflict with the provisions of this Rule.

8.3.3 Fit for Duty Medical Examination—Management Expectations

- A. Employees shall report for work each day as scheduled and shall be alert, rested and able to satisfactorily perform their jobs with reasonable skill and safety.
- B. A supervisor may initiate a fit for duty medical examination when he or she has observed or confirmed a report that an employee's job performance may be impaired and that potential impairment poses an immediate risk to the safety of the employee or others.
 - 1. The employee's behavior, speech, or appearance, or his or her involvement in an accident or other incident, may be the basis for the supervisor's decision to initiate a fit for duty medical examination.
 - 2. If the employee requires immediate medical treatment, such treatment should be provided prior to the fit for duty medical examination.
- C. The supervisor shall consult with the employing unit's ADA Coordinator when an employee's long-term or chronic physical, psychological or psychiatric condition adversely affects his or her ability to perform the essential functions of his or her job.

8.3.4 The Fit for Duty Medical Examination

- A. The fit for duty medical examination program shall be managed by the Seattle Human Resources Director, who shall contract with qualified vendors, conduct necessary training, process billing, and advise and guide departments.
- B. Employee confidentiality shall be respected to the extent possible during all phases of the fit for duty medical examination and related investigatory processes.
- C. When an employee has exhibited behavior, speech or an appearance that leads the supervisor to believe that his or her ability to perform work with reasonable skill and safety may be impaired, the supervisor shall initiate a fit for duty medical examination. He or she shall, as appropriate:
 - 1. Take necessary actions to prevent injury or harm to the employee or others;

2. Secure and protect any evidence of alcohol, drugs or drug use from destruction or contamination;
 3. Document observations and other relevant information, including whether the current incident is part of a pattern of behavior by the employee and the affected employee's explanation of his or her behavior. (Note: Whenever possible, the supervisor shall contact another management representative to validate observations and plan of action);
 4. Prohibit the employee from continuing to work or operate equipment until the results of the fit for duty medical examination are known.
- D. If a drug test is conducted, the appointing authority shall place an employee on administrative reassignment pending the outcome of the test.
- E. If an employee refuses to cooperate with or consent to the fit for duty medical examination process, he or she shall be removed from the workplace immediately and shall be subject to disciplinary action up to and including discharge.
1. If the supervisor is unable to obtain management's approval for administrative reassignment in a timely manner, the supervisor may suspend the employee for the remainder of that work day without the approval of the appointing authority as provided by Personnel Rule 1.3.5 C(2).
 2. An employee who is dismissed from work under these circumstances shall not be permitted to drive any vehicle. The supervisor shall transport the employee home. If the employee insists upon driving, his or her supervisor shall immediately contact the proper law enforcement agency