

FITNESS FOR DUTY

Order for Fitness for Duty Examination

The City of Rocky River may order an employee to submit to a physical, medical, and/or psychological fitness for duty examination(s) when there is an objective and reasonable basis for believing that the employee is physically, medically, or mentally incapable of performing his or her essential job duties.

Objective and reasonable basis is defined as one that is not merely speculative but is derived from direct observation or other reliable evidence such as, but not limited to, documentation of workplace behavior, conduct and performance. An order that an employee submit to a physical, medical, and/or psychological fitness for duty examination(s) is not discipline in nature, and shall not be used as a substitute or in place of discipline. In addition, a fitness for duty examination shall not be ordered for capricious, arbitrary or discriminatory reasons. The purpose of this police is to provide a safe workplace and environment for the employee involved, as well as their co-workers.

Conduct of Fitness for Duty Examination

An initial fitness for duty examination(s) will be conducted by a physician or psychologist/psychiatrist of the City's choice, with no loss in pay or benefits or cost to the employee.

Prior to any examination, the City shall supply the examining practitioner(s) with:

1. Facts relating to the perceived disabling illness, injury or condition;
2. The physical and mental requirements of the employee's position;
3. Job classification specifications for the employee's position; and
4. Position descriptions

Copies of any documents and/or materials provided to the practitioner(s) by the City will be provided simultaneously to the employee subject to testing.

Standards for Physicians and/or Psychologists

Any physician utilized, either by the City or the employee, must be a licensed doctor of medicine or osteopathy who has completed residency training in an accredited medical training program and/or is American Boards of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board certified or international equivalent.

Any psychologist/psychiatrist utilized, either by the City or the employee, must be a licensed psychologist/psychiatrist with education, training, and experience in the forensic and/or diagnostic evaluation of mental or emotional disorders.

Providing of Copies of Fitness for Duty Examination Results

Following the examination, the physician or psychologist/psychiatrist shall provide the City and the employee a written report detailing the doctor's assessment of the employee's ability to perform his or her duties with or without reasonable accommodation. The employee is entitled to copies of all examination results and documentation associated with the examination subject to Ohio Revised Code Section 1347.08 and/or any other applicable law.

Cost of Fitness for Duty Examinations

The City shall pay the costs of the examinations. However, an employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

Refusal to Submit to a Fitness for Duty Examination Insubordination

An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of the examination amounts to insubordination, punishable by the imposition of discipline up to and including termination.

Administrative Leave with Pay Pending Results of Fitness for Duty Examination

The City reserves the right to place an employee on paid leave pending the final results of the fitness for duty examination prior to the examination results. Said paid leave is not discipline.

Employee's Fitness for Duty Examination

Employees shall have the right to submit to a fitness for duty examination by a physician or psychologist/psychiatrist of the employee's choice at any time. Fees and expenses of an employee's physician and/or psychologist/psychiatrist shall be borne by the employee.

Employee Notice Requirement if Undergoing Their Own Fitness for Duty Examination

If the employee chooses to exercise their right to submit to a fitness for duty examination by a physician and/or psychologist/psychiatrist of the employee's choice, any determination on the employee's fitness for duty shall be held in abeyance until the City's physician and/or psychologist/psychiatrist has reviewed the findings of the employee's physician and/or psychologist/psychiatrist, provided:

- The employee provides the City with notice of their intention to do so within ten (10) calendar days of receiving the fitness for duty report by the City's physician and/or psychologist/psychiatrist, and
- The City's physician and/or psychologist/psychiatrist are provided, in a timely manner, with the report(s) of the employee's physician and/or psychologist/psychiatrist's fitness for duty examination and documentation that was created and/or received in generating the reports(s).

Reasonable Accommodation if an Employee is Found Not Fit For Duty

If an employee is deemed physically and/or medically incapable of performing his or her essential duties, the City will make reasonable efforts to accommodate the employee in continuing their employment with the City of Rocky River. "Reasonable accommodations" are modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an employee to perform the essential functions of the position. "Reasonable accommodations" shall be defined consistent with the Americans with Disability Act (ADA).

If an employee is deemed mentally incapable of performing his or her essential duties as a result of their fitness for duty examination, the City reserves the right to determine the future of the employment status of said employee.

Ability to Apply for Vacant Positions

If an employee is deemed physically, medically, or mentally incapable of performing his or her essential duties with or without reasonable accommodation, and if there are vacant positions with the City for which the employee qualifies, the employee may apply for the vacant position once the fitness for duty examination, if any, requirements have been met. Other Collective Bargaining Agreements, Civil Service Rules, and/or a hiring freeze in place at that time are applicable to an application for vacant position.

Review of Fitness for Duty Examinations

When fitness for duty examination (medical evaluations) are conducted by a physician or medical provider other than the City physician and/or psychologist/psychiatrist, the evaluation shall be reviewed and approved by the City physician and/or psychologist/psychiatrist.

In case of the examinations undertaken to determine fitness for duty for purposes of return to work, the employee's return to work is subject to the approval of the City's physician and/or psychologist/psychiatrist.