

COUNTY OF SAN DIEGO
DEPARTMENT OF HUMAN RESOURCES
POLICY AND PROCEDURES MANUAL

SUBJECT: Job Fitness Evaluations

POLICY NUMBER: 702

EFFECTIVE DATE: June 1990

PAGE: 1 of 5

REVISED DATE: February 2018

POLICY

It is County policy to compel an employee to take time off as a result of a fitness for duty medical or psychological evaluation if the County's medical evaluator has determined that the employee is either mentally or physically unfit to perform assigned duties and the employee refuses to voluntarily request a leave.

PROCEDURES

Compensation Ordinance Section 4.3.3 provides that an Appointing Authority may direct an employee to undergo a fitness for duty evaluation to determine an employee's ability to perform his/her essential job functions when it appears that the employee is mentally or physically unable to fully perform those job functions. Section 4.3.3 also provides that an Appointing Authority may compel the employee to take time off under certain conditions. The process is outlined below.

Initial Actions

Employing Department:

- a) Conduct an interactive discussion with the employee regarding his/her ability to perform his/her essential job functions;
- b) Suggest the employee take voluntary leave and use his/her leave balances to resolve health issues.

Fitness for Duty Evaluation

If the employee is unwilling to voluntarily take time off and job performance appears to be adversely impacted by mental or physical factors, then the Appointing Authority may request a mandatory medical or psychological evaluation through the Department of Human Resources (DHR) – Risk Management Division.

Employing Department:

- a) Submits request for fitness-for-duty evaluation in writing to the Director, Human Resources; requests must include documented information of impaired performance which appears to be based on medical or psychological factors; requests must also include a list of the employee's essential job functions.

Department of Human Resources – Risk Management Division

- a) Review the Department's request and schedule the appropriate examination (e.g., medical, psychological, or both);
- b) Provide the Department with the fitness evaluator's name, date, time and location of examination appointment;
- c) Schedule examination/appointment to provide a minimum of five days advance notification to the employee.

COUNTY OF SAN DIEGO
DEPARTMENT OF HUMAN RESOURCES
POLICY AND PROCEDURES MANUAL

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POLICY NUMBER: **702**

EFFECTIVE DATE: **June 1990**

PAGE: **2 of 5**

REVISED DATE: **February 2018**

Employing Department

- a) Provide the employee written notification of the scheduled examination and direct employee to appear for examination pursuant to Comp. Ordinance section 4.3.3.

Fitness Evaluator

- a) Examine employee and evaluate ability to perform essential job functions;
- b) Provide DHR – Risk Management Division a report that addresses: the employee’s ability to perform the essential job functions; any work limitations that are identified, and whether they are temporary or permanent; and any recommended treatment considerations to enable the employee to perform his or her essential job functions.
- c) Maintain interview notes and other detailed evaluation information in Fitness Evaluator’s file.

Evaluation Results

Department of Human Resources – Risk Management

- a) Provide the employing Department a summary report that addresses the employee’s ability to perform the essential job functions, any identified limitations, and whether the limitations are temporary or permanent.

Employing Department

- a) If the evaluation report indicates the employee can perform all the essential job functions, notify the employee in writing; fitness-for-duty process is complete;
- b) If the evaluation report indicates the employee cannot perform all of the essential job functions due to *temporary* limitations, then the Department should:
 - i. Notify the employee in writing of the evaluation results and of the Department’s authority under Section 4.3.3;
 - ii. Schedule an interactive meeting to discuss these issues;
 - iii. Offer the employee the opportunity to provide, within five business days, a report from his/her health care professional regarding his/her ability to perform all of the essential job functions with or without accommodation, for the Appointing Authority’s consideration;
 - iv. After receiving all the available information, make a determination on the employee’s ability to perform the essential job functions with or without accommodation;
 - v. If the determination is that the employee cannot temporarily perform the essential job functions with or without accommodation, then ask the employee to consider a voluntary request for a leave of absence; and if the employee agrees, the leave request should be documented in writing;
 - vi. If the employee refuses to voluntarily request leave, the Department may compel the employee to take leave, pursuant to Compensation Ordinance Section 4.3.3. Such action shall be communicated to the employee in

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DEPARTMENT OF HUMAN RESOURCES
POLICY AND PROCEDURES MANUAL

SUBJECT: **Job Fitness Evaluations**

POLICY NUMBER: **702**

EFFECTIVE DATE: **June 1990**

PAGE: **3 of 5**

REVISED DATE: **February 2018**

writing, with notice of appeal rights. An employee that is compelled to take leave shall use his/her leave balances in the following order: sick leave, vacation, compensatory time off, disability leave and miscellaneous leave.

- vii. Inform the employee that a follow up return to work fitness evaluation may be required.

- c) If the evaluation report indicates that the employee cannot perform all of the essential job functions due to *permanent* limitations, the Department should:
 - i. Meet with the employee to consider possible accommodation and other employment considerations;
 - ii. Consult with the Department of Human Resources and/or County Counsel;
 - iii. During the period described in Section c)i., follow the procedures identified in b)i.-vii. should be followed;
 - iv. Consider the possibility of transferring the employee to another vacant position for which he/she is qualified;
 - v. If alternative employment is not available, the Department should advise the employee to consider filing for a disability retirement; if the employee refuses, the Department should file a disability retirement application on behalf of the employee if that employee meets retirement eligibility criteria;
 - vi. If the employee does not meet retirement eligibility criteria, then the Department may institute proceedings to remove the employee pursuant to the Civil Service Rules.

Rehabilitation Treatment Plan (Medical / Psychological Evaluation)

If the Fitness Evaluator has recommended a Rehabilitation Treatment Plan (RTP), then the following should occur:

1. Department of Human Resources – Risk Management Division

- a) Reviews the Fitness for Duty recommendation from the Medical/Psychological Fitness Evaluator.
- b) Communicates recommendation to the Employing Department.
- c) Provides RTP forms to the Employing Department.

2. Employing Department

- a) Prepares all appropriate Rehabilitation Treatment Plan (RTP) documentation and schedules meeting with employee.
- b) Meets with employee and explains the RTP process.
- c) If employee agrees to participate in the RTP, employee must sign an “Agreement to Participate in a Rehabilitation Treatment Program”.
- d) Directs employee to schedule an appointment with the County’s designated RTP Provider.

COUNTY OF SAN DIEGO
DEPARTMENT OF HUMAN RESOURCES
POLICY AND PROCEDURES MANUAL

SUBJECT: **Job Fitness Evaluations**

POLICY NUMBER: **702**

EFFECTIVE DATE: **June 1990**

PAGE: **4 of 5**

REVISED DATE: **February 2018**

- e) Sends agreement signed by employee to DHR – Risk Management Division and to the designated RTP Provider.

3. Employee

- a) Contacts designated RTP Provider within three (3) days to schedule appointment.
- b) Attends scheduled appointment with RTP Provider and signs all releases.
- c) Attends follow-up appointments with RTP Provider to review RTP care plan and progress
- d) Completes RTP.

4. Designated RTP Provider

- a) Consults with Medical/Psychological Fitness Evaluator in order to prepare employee's RTP.
- b) Consults with Fitness Evaluator when RTP is completed to determine whether re-evaluation by Fitness Evaluator is recommended.
- c) Advises DHR – Risk Management Division of employee's compliance with RTP and completion of RTP and any recommended re-evaluation.

5. Department of Human Resources – Risk Management Division

- a) If the Designated RTP Provider has determined that employee has completed the RTP and Fitness Evaluator has recommended employee return to work, then DHR – Risk Management shall inform Employing Department that employee is fit to return to work.
- b) If RTP Provider has determined that employee has completed the RTP and Fitness Evaluator has recommended re-evaluation, then DHR – Risk Management may schedule a re-evaluation appointment for employee with the Fitness Evaluator.
- c) DHR - Risk Management notifies Employing Department of re-evaluation appointment.

6. Employing Department

- a) Directs employee to attend re-evaluation appointment.

7. Employee

- a) Attends re-evaluation appointment with evaluator.

8. Department of Human Resources - Risk Management Division

- a) Receives Fitness Evaluator's recommendation and communicates to Employing Department.

9. Employing Department

- a) Follows the procedures as described on page 2 section titled, Evaluation Results.

COUNTY OF SAN DIEGO
DEPARTMENT OF HUMAN RESOURCES
POLICY AND PROCEDURES MANUAL

SUBJECT: **Job Fitness Evaluations**

POLICY NUMBER: **702**

EFFECTIVE DATE: **June 1990**

PAGE: **5 of 5**

REVISED DATE: **February 2018**

APPEALS

If the employee is placed on Compulsory Leave because he/she cannot perform all of the essential job functions due to temporary or permanent limitations, he/she may appeal to the Civil Service Commission.

FURTHER INFORMATION

For further information contact the Department of Human Resource's Risk Management Division at (858) 694-3841.

REFERENCES

Compensation Ordinance, Section 4.3.3.

RELATED POLICIES

Human Resources Policy 0142, Section H, is superceded by this policy

Human Resources Policy 0337 is superceded by this policy

SUPERCEDES

DHR Policy 1120

APPROVED BY:

Original document signed and approved by Susan Brazeau on 02/02/2018.

Susan Brazeau, Director
Department of Human Resources