

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 4157.3
Personnel

Fitness for Duty Evaluation

FITNESS FOR DUTY POLICY

A Fitness for Duty Evaluation ("FDE") will only be required when the Oakland Unified School District ("District") has a reasonable belief, based on objective evidence, that:

1. an employee's ability to perform one or more essential job functions may be materially impaired by a medical condition; or
2. an employee poses a direct threat to his/her safety or that of others due to a medical condition.

FITNESS FOR DUTY PROCEDURES

When an employee's responsible administrator or manager reasonably believes an employee should undergo a Fitness for Duty Evaluation, the following procedures shall be observed:

1. The administrator or manager shall review the employee's job description to identify the essential job functions of the position.
2. The administrator or manager shall observe and document and/or obtain evidence of specific behaviors, conduct, actions or activities, or evidence from a health care professional that indicates, in the opinion of the administrator or manager that:
 - (a) the employee cannot perform one or more essential job functions; and/or
 - (b) the employee poses a direct threat to students, staff, property or him/herself.
3. The administrator or manager shall forward a request to Human Resources Division ("HRD") that the employee undergo a FDE. The administrator or manager shall also forward all supporting documentation to the HRD. HRD shall review the request and documentation, along with the employee's job description, the essential job functions, and any other relevant information.
4. HRD shall make a recommendation to the Director of Labor Relations regarding the request for a FDE. The Director of Labor Relations shall review the request and the recommendation and issue a decision. If the request is denied, HRD shall inform the administrator or manager of this decision and suggest alternative strategies to address the issues of concern.

5. For Classified personnel, if the Director of Labor Relations approves the request for a FDE, HRD shall select a physician from the District's Medical Provider Network to perform the medical evaluation in accordance with contractual provisions and District policy (see Administrative Regulation 4032, Reasonable Accommodation).
6. For Certificated personnel, if the Director of Labor Relations approves the request for a FDE, HRD shall select a physician to perform the medical evaluation in accordance with contractual provisions and District policy, except that, if the District has reasonable cause to believe the employee is suffering from mental illness, the District shall follow the provisions set forth in Ed Code Article 44942.
7. HRD shall notify the employee in writing that the District has arranged for the employee to undergo a FDE. The notice shall include:
 - (a) the nature of the evaluation;
 - (b) the specific reason(s) for the evaluation;
 - (c) the date and time of the evaluation;
 - (d) assurance that the evaluation will be at the District's expense.
8. Prior to the scheduled evaluation, HRD shall provide the physician with:
 - (a) a copy of the employee's job description identifying the essential job functions;
 - (b) relevant documentation giving rise to the need for a FDE;
 - (c) any additional information needed to familiarize the doctor with the employee's job duties and workplace.
 - (d) an information sheet describing the requirements of reasonable accommodation and defining the term "direct threat".
 - (e) information provided by the employee's own physician concerning appropriate reasonable accommodation.
9. Following the evaluation, the physician shall provide to the District a report detailing his/her findings. The report shall indicate whether the employee is able to perform the essential functions of the job with reasonable accommodations and, if not, the specific reasons for the doctor's conclusions. A copy of the report will be provided to the employee. The report shall be treated as a confidential medical record.
10. If the physician concludes that reasonable accommodation is necessary, the District's reasonable accommodation procedures shall be followed.
11. If the employee is not deemed fit for duty, the Risk Management Department shall review the results in light of the requirements of Section 504 of the 1973 Rehabilitation Act and prohibitions against disability discrimination contained in the California Fair Employment and Housing Act and Section 44942 of the Education Code.

Prior to taking any disciplinary action the Risk Management Department shall consult with Human Resources and the employee immediate supervisor to consider possible options that may be available based on the Medical Provider report conclusions.

The Risk Management Department shall review and evaluate the entire process as followed by all departments involved in the FDE process. Furthermore, all documents provided shall be reviewed to ensure that all aspects of the procedure are followed equally and equitably for all District employees.

2/9/05