

## **FITNESS FOR DUTY POLICY**

A Fitness for Duty Evaluation (FDE) will be only required when the Environmental Charter Schools (ECS) has a reasonable belief based on objective that evidence, that:

1. An employee's ability to perform one or more essential job functions may be mentally impaired by 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 principal, manager or designee shall review the employee's job description to identify the essential job functions of the position.
2. The principal or designee 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 principal, manager or designee or manager shall forward a request to the ED that the employee undergo a FDE. The principal, manager or designee shall also forward all supporting documentation to the ED. The ED shall review the request and documentation, along with the employee's job description, the essential job functions, and any other relevant information.
4. The ED shall make a recommendation regarding the request for a FDE. The ED shall review the request and the recommendation and issue a decision. If the request is denied, the ED will suggest alternative strategies to address the issues of concern.
5. If the ED approves the request for FDE, and he/she or his/her designee shall select a physician from the ECS's Medical Provider network to perform the medical evaluation.
6. The ED, Principal or Designee shall notify the employee in writing that the Environmental Charter Schools 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 ECS's expense.

7. Prior to the scheduled evaluation, ECS shall provide the physician will:
  - a. A copy of the employee's job description indentifying 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.
8. Following the evaluation, the physician shall provide to ECS 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.
9. If the physician concludes that reasonable accommodation is necessary, ECS reasonable accommodation procedures shall be followed.
10. If the employee is not deemed fit for duty, ECS shall review the results in light of 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 ECS shall consider possible options that may be available based on the Medical Provider report conclusions.