

TUOLUMNE JOINT POWERS AUTHORITY

MEDICAL EXAMINATION POLICY

I. INTRODUCTION

The District has a legitimate interest in guaranteeing a stable, reliable and productive workforce and in ensuring public safety as well as the safety and security of all employees. The public has a right to expect that the District operates as effectively and efficiently as it can given the diverse tasks in which the District is charged. Towards that end, the District cannot operate with any degree of efficiency if its employees cannot perform the essential functions of his or her job. The following Medical Examination Policy is designed to further these goals.

II. MEDICAL EXAMINATION OF CURRENT EMPLOYEES

A medical examination may be required when there is a need to determine whether or not an employee is able to perform the essential functions of the job and/or to identify limitations or restrictions. The medical examination of the employee will be job-related and consistent with business necessity when the District has a reasonable belief, based on objective evidence, that the employee's ability to perform the essential functions of the job would be impaired by a medical condition or when an employee would pose a direct threat to others and to the employee due to a medical condition. The District may also conduct disability-related inquiries and medical examinations that follow up on a request for reasonable accommodation when the disability or need for accommodation is not known or obvious. The inquiry and/or examination will be job-related and consistent with business necessity. In addition, periodic medical examinations and other monitoring under specific circumstances may be conducted so long as it is job-related and consistent with business necessity.

The above standard may be met when the District knows about a particular employee's medical condition, has observed performance problems or observe symptoms indicating that an employee may have a medical condition that will impair his/her ability to perform the essential job functions or will pose a direct threat to others and/or himself/herself, and reasonably attributes the problems to the medical condition. In addition, the District may also be given reliable information by credible third parties that an employee has a medical condition *that impairs his/her ability to perform his/her job.*

In these situations, it may be job related and consistent with business necessity for the District to make disability-related inquiries or require a medical examination. The following are factors which a supervisor may consider in determining whether or not a medical examination or disability-related inquiry is necessary:

1. The employee is injured while on duty;
2. An accident involving District property;
3. Physical altercations at work;
4. Verbal altercations at work;

5. Unusual behavior;
6. Possession of drugs or alcohol;
7. Information obtained from a reliable source and with personal knowledge;
8. Alcohol odor on the breath;
9. Slurred or incoherent speech;
10. Any physical or verbal conduct that is inappropriate or disproportionate to customary working conditions, problems or ordinary work-related stress.
11. Any change in verbal conduct without faculty of reason, or not in accordance with reason.
12. Conduct exhibiting uneasiness or distress in response to customary work-related stress.
13. Any drastic changes in customary social interaction with District employees (e.g., employee is suddenly withdrawn).
14. Above average excessive absenteeism and/or tardiness.
15. The supervisor can identify legitimate, non-discriminatory reasons to doubt the employee's capacity to perform his/her duties (such as frequent absences, or a known disability *and/or illness* that had previously affected the employee's work).

The above factors are merely illustrative and the supervisor may be able to demonstrate other factors in determining whether or not a supervisor has a reasonable belief that the employee's ability to perform the essential functions of the job will be impaired by a medical condition or poses a direct threat due to a medical condition. Each situation will be assessed on a case-by-case basis.

If a supervisor makes a disability-related inquiry or requires a medical examination of an employee based, in whole or in part, on information learned from another person, such reliance is sufficient if the information learned is reliable and will give rise to a reasonable belief that the employee's ability to perform the essential job functions will be impaired by a medical condition or that he or she will pose a direct threat due to a medical condition.

Factors that the District might consider in assessing whether information learned from another person is sufficient to justify asking disability-related questions or requiring a medical examination of an employee:

1. The relationship of a person providing the information to the employee about whom it is being provided;

2. The seriousness of the medical condition at issue;
3. The possible motivation of the person providing the information;
4. How the person learned the information (i.e., directly from the employee whose medical condition is in question or from someone else); and
5. Other evidence that the employer has that bears on the reliability of the information provided.

The examination will be limited to an evaluation of the employee's condition to the extent necessary under the circumstances to establish the employee's fitness for the work at issue.

III. RETURN TO WORK MEDICAL CERTIFICATION

A. Return to Work Without Medical Certification

Upon return to work from a leave of absence due to a medical condition, the District may request the employee to provide a doctor's note if the District has a reasonable belief that the employee's present ability to perform the essential job functions will be impaired by a medical condition or that he/she will pose a direct threat due to a medical condition. In that instance, the District may make a disability-related inquiry or require the employee to submit to a medical examination. The inquiry or examination will be limited in scope to what is needed to make an assessment of the employee's ability to work. Usually, inquiries or examinations related to the specific medical condition for which the employee took leave will be all that is warranted. The District will not use the employee's leave as a justification for making far-ranging disability-related inquiries or requiring an unrelated medical examination.

B. Return to Work With Medical Certification

Upon presentation of a medical certificate that complies with the requirements under the Family Medical Leave Act and/or California Family Rights Act, the District will accept the medical certification in returning the employee to work. The District may request the returning employee to submit to a medical examination if the post-reinstatement conduct leaves a supervisor to reasonably believe, based on objective evidence, that the employee's ability to perform the essential job functions will be impaired by a medical condition or the employee would pose a direct threat to others and to self due to a medical condition.

IV. COSTS AND PHYSICIAN SELECTION

When the District requires an examination pursuant to this Policy, the Tuolumne JPA will select the physician and the District will pay for the cost of the medical examination.