

**SCOTTS VALLEY FIRE  
PROTECTION DISTRICT**



<b>STANDARD OPERATING PROCEDURES</b>	<b>ARTICLE: I</b>	<b>SOP: 1121</b>
	<b>SECTION: 1100 PERSONNEL</b>	
	<b>SUBJECT: FITNESS FOR DUTY AND RETURN TO WORK</b>	
<b>DATE APPROVED:</b>	<i>Michael P. McMillan</i>	
<b>APPROVED:</b>	August 24, 2011	

**PURPOSE:** To ensure the safety and well being of all District personnel and the public, every employee is obligated to be able to perform the required essential job functions. This SOP establishes procedures for assessing fitness for duty of District personnel under certain specified circumstances and establishes a procedure for release to return to work following a serious injury of illness.

**SCOPE:** If an individual is perceived to be physically or mentally unfit to perform one or more of the essential function(s) of their job, each person, their supervisor(s), and the District must follow all appropriate sections of this SOP. Additionally, all personnel must follow the guidelines set forth in this SOP in order to return to work from personal injury or a serious health condition, whether work-related or not.

**AUTHORITY AND RESPONSIBILITY:** It is the responsibility of each individual, his/her supervisor, and the District to follow all applicable procedures set forth in this SOP. Each individual is ultimately responsible to be fit for duty. Any supervisor who becomes aware that an individual may be unfit for duty for any reason may rely on this SOP to ensure that the person in question is removed from their work assignment or prevented from returning to their work assignment until such time that the individual's fit for duty status can be verified under the terms of this SOP. The fire chief will be responsible for managing compliance of District personnel with all the terms of this SOP.

**PROCEDURE:**

- I. Fit for Duty
  - A. Self-Report: For the safety and well-being of personnel and their co-workers, an individual is not to report to work if they are seriously ill or impaired, especially in cases of communicable disease (see Attachment 1). An individual with a mental or physical condition that may prevent him/her from performing an essential job function (refer to individual job descriptions), in an effective and/or safe manner should not report for work


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until such time as they are cleared by the District, personal physician, District physician or other designated medical expert. All personnel are required to follow District policy regarding sick leave notification.

- B. Personal Illness: Personnel are not to report for duty if they are seriously ill or impaired. For specific illness and work restrictions, refer to Attachment 1 *Communicable Disease Work Restrictions*.
  - C. Medications: Personnel must report the use of any prescribed or over-the-counter medication that may potentially impair their mental or physical abilities to perform the functions of their job safely and effectively. Such notice must be provided to the District physician, who will work with the individual's prescribing physician to evaluate whether the medication affects the individual's ability to safely perform any essential job function. See Attachment 2 *Medication Disclosure Form* and Attachment 3 *Medical Release Form*.
  - D. Personnel who report for duty or are on duty while knowingly impaired may face disciplinary charges up to and including termination.
- II. On-the-Job and Off-the-Job Illness and Injury:
- A. All standards and definitions for fit for duty evaluations and assessments are the same regardless of whether the illness or injury is incurred on or off the job (for definitions see Attachment 4).
  - B. For all on-the-job injury/illness or exposures, personnel will follow all District policies and procedures including a timely reporting of the injury/illness, filling out all appropriate forms, and making all appropriate notifications.
  - C. For off-the-job injury or illness, personnel will follow established District policies and procedures to make the appropriate notifications including a written report from a physician stating disposition and expected outlook.
  - D. Personnel with either an on-the-job or off-the-job illness or injury may be subject to a fit for duty evaluation and fitness assessment as follows.

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III. Observation and Reporting

- A. Any individual observed to be mentally or physically impaired and/or who may be unable to effectively and safely perform one or more essential function(s) of their job may be subject to a fit for duty evaluation by the District physician or other qualified designee, or may be subject to testing in accordance with the District's Substance Abuse Policy. Signs of inability to perform may include apparent weakness, illness, disorientation, memory loss, erratic behavior or inability to successfully complete any individual performance standard associated with their position or a fitness assessment.
- B. Reporting Process:
1. Personnel who observe or who have reason to believe that another individual may be unfit to perform the functions of the job effectively and/or safely, will report such observations to their immediate supervisor. In cases where the individual in question is the immediate supervisor, a Chief Officer shall be notified.
  2. The immediate supervisor of the individual in question should contact the duty chief, who will make the necessary arrangements to assess the individual's condition. If the supervisor believes that the condition could affect the safety of the individual or others, the supervisor will immediately place the individual off duty on administrative leave. Medical attention should be sought in cases where the cause is thought to be medical in nature. Based on conditions, the employee should not be allowed to drive.
  3. The duty chief is given the discretion to assess appropriate action to be taken with regard to the individual, which may result in removal of the individual from duty until such time that a fit for duty medical evaluation by the District physician is conducted. A Chief Officer may deem it appropriate to place the individual on administrative leave until an investigation can be completed.
  4. In cases where the individual is removed from duty or needs to be referred for evaluation and/or treatment, the duty chief will contact the fire chief regarding the situation as soon as reasonable. Initial contact may be made by phone, with follow-up later. Documentation of the actions taken is critical.

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C. Referral for Medical Evaluation

1. The District may, determine the need for an individual's fit for duty medical evaluation or fitness assessment required under the following circumstances:
  - a. When actual problems exist or are reported with the individual's performance of any essential function of their job.
  - b. When there exists legitimate concerns about whether the individual or their performance poses a direct threat to the safety and health of themselves or others.
  - c. To determine the necessity for, or existence of, a reasonable accommodation.
  - d. When medical evaluation, screening, and monitoring is required by federal, state, or local law.
  - e. A Serious Health Condition exists, as defined by the Federal Family Medical Leave Act or as outlined in NFPA 1582 2007 version.
  - f. After a serious injury or illness that caused an extended absence.
2. Personnel must follow the guidelines provided in the Family Medical Leave Policy for serious health conditions.
3. Personnel are generally relieved from duty and are placed on administrative leave and/or sick leave until such time as an evaluation is made. If the evaluation indicates that the individual is not fit for duty, they will continue on sick leave, workers' compensation, or disability (based on causation), until such time as they are released to work in a full or modified capacity.
4. Should the individual require additional treatment or continuing care, the District physician will release the individual into the care of their own healthcare provider. The District will not be financially responsible for illness or injury discovered or identified by a

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representative of the District, unless the illness or injury has arisen as a direct result of employment with the District. If the individual remains under the care of the District physician, he/she will be responsible to fulfill the regimen prescribed.

5. Minor Illnesses/Injury:

In case of minor illness or injury, the District may require a note from the individual's healthcare provider that releases him/her to duty or otherwise indicates any recommendation regarding his/her ability to work. The fire chief should be contacted for any needed clarification.

IV. Return to Work

A. Medical Evaluation to Return to Work

1. Any individual returning to work from a serious injury or illness, extended absence, or from any other health-related circumstance that may call to question the ability to perform their duties in a safe and effective manner, must contact the fire chief. The District will require a medical release to return to work from the District physician, personal healthcare provider, or an appropriate medical expert. The medical release form can be obtained from the District administrative office.
2. For absences due to injuries or illnesses, the District may accept a medical release to return to work from the individual's physician. If, for any reason, the District should question the terms of the medical release, the District's physician will contact the employee's healthcare provider in order to receive clarification. The medical release to return to work must be received by the duty chief before the individual will be permitted to return to regular duty. A fitness assessment performed by the District's physician or other designated medical expert may be required. When the medical release has been verified as acceptable, the individual will be released to duty as dictated by the physician in accordance with this policy.
3. In the event the District determines that a fit for duty evaluation is required of any individual, they will be given notice of that requirement. The individual has the duty to cooperate in such

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evaluation, including, but not limited to, signing all necessary medical information release forms, allowing their relevant medical records to be transferred and reviewed by the evaluating physician, and allowing the evaluating physician to report findings and opinions regarding the individual's fit for duty status and the individual must respond to the District's reasonable inquiries in that regard.

4. In the event that the individual's healthcare provider and the District physician disagree upon their clearance to return to duty, the individual's healthcare provider, the Union, and the District physician will select a third, appropriately qualified physician to perform a final examination and render a medical decision to settle the dispute. Upon the scheduling of the fit for duty evaluation, all relevant information relating to the individual, including the job description, duty statement and any other job-related information, District employment information relative to the need for the evaluation, and any relevant District medical records, along with the signed medical records release form will be forwarded to the fit for duty medical expert for review. In addition, the fit for duty medical expert will be provided a fit for duty questionnaire outlining the requested information (Attachment 3). It is the intent that the designated expert performs an individualized evaluation of the individual's ability to safely perform the essential functions of the job. The District will pay for the third party fit for duty evaluation process. The District reserves the right to rely on the opinions expressed by its medical expert.
5. Upon receipt of the completed fit for duty evaluation, the District will review, compare and evaluate the individual's abilities to safely perform the essential functions of their job. In the event it is determined that the individual does not have the ability to perform each of the essential functions of their job or they pose a risk of harm to self or others in the performance of such functions, the District will determine whether or not a reasonable accommodation exists that will remove the barrier to continued employment, and eliminate or minimize the potential risk of harm to the individual or others.
6. In cases where the individual is released to light or modified duty, they will follow the District policy regarding light duty.

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- B. Fitness Assessment: Uniformed Personnel who are off duty due to personal illness or injury may be subject to a fitness assessment once they have been released to full duty, but prior to assignment to active duty. Individuals must contact the fire chief to establish whether a fitness for duty assessment will be required. Fitness for duty assessments will be coordinated by the administrative staff. These assessments will be based on individual job performance standards and the individual's job description, and will need to be completed prior to return to work.