



**PERSONNEL POLICIES AND PROCEDURES**

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**SECTION 600**

**HEALTH ADMINISTRATION**

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## SECTION 600 HEALTH ADMINISTRATION

601. Disability Review Committee.1 Purpose

- .11 To provide a City employee who has a disabling condition that prevents him or her from performing the essential functions of the position with an objective review of his/her case and, for those employees who cannot be provided continued employment through Alternate Job Placement, determine if disability separation is appropriate.
- .12 To provide a forum for a disabled employee that meets the requirements of Section 406.2, Pre-termination Hearings.
- .13 To function as an advisory and recommending body to the Personnel Director and the Mayor on matters relating to the City's compliance with Title I of the ADA Amendments Act of 2008 and related acts.

.2 Committee Structure

- .21 The Disability Review Committee shall consist of the following members:
  - a. City Physician
  - b. City Attorney or designee
  - c. Mayor's representative
  - d. A representative appointed by the Mayor with a background in Human Resources or experience as an advocate in the area of disabilities
  - e. Personnel Director or designee
  - f. Mayor-appointed representative from an operating department
- .22 Other persons who may be requested to attend in an advisory or informational capacity include: the City employee with the disabling condition and/or the employee's representative; the department head or designee of the employee's department; an advisory person familiar with a specific disability issue and other individuals the Committee believes can provide relevant information.
- .23 The Personnel Director or designee shall serve as Chair of the Committee.

- .3 City department heads shall send a monthly report to the Human Resources Department listing all employees who have been on Sick Leave, Injury Leave, Leave Without Pay, Light Duty Assignment, or a combination thereof, for any period exceeding sixty (60) consecutive days or sixty (60) cumulative days within the previous six (6) months.
- .4 Sources of Cases for Disability Review:
- a. Legal Department
  - b. City Physician
  - c. Injured or disabled employee
  - d. Human Resources Department
  - e. Employee's department head or designee
- .5 Disability Review Committee Meetings
- .51 The Disability Review Committee will normally meet at 1:30 p.m. on the first Thursday of each month.
- .52 An employee who is listed on a Disability Review Committee agenda shall be sent written notification of the meeting and furnished with copies of Sections 601, 606, and 125 of the Personnel Policies and Procedures Manual by the Disability Review Coordinator at least ten (10) working days prior to a scheduled meeting of the Committee. Such notification will be mailed to the last known address provided by the employee to the Human Resources Department via a Benefits Section Enrollment Application/Change Request. An employee subject to a disability separation at a specific meeting shall be informed in writing that Disability Review Committee action may involve granting or determining that the employee is to be disability separated from the City.
- .53 If the employee is to be represented at the Disability Review Committee meeting by another person and the representative or the employee is unavailable for the scheduled meeting, a postponement may be granted if the employee submits a written request which is received by the Personnel Director or designee at least two (2) working days prior to the scheduled meeting. Only one (1) postponement will normally be allowed due to unavailability of the employee or the employee's representative within any six (6) month period. If a postponement is granted by the Personnel Director or designee, the case will normally be heard by the Disability Review Committee at the next scheduled meeting.
- .54 Four (4) members of the Committee shall constitute a quorum. A majority vote of the quorum shall constitute a decision.

- .55 Within ten (10) working days of the Committee's decision, the Personnel Director or designee will provide notification in writing of the decision to the employee and the employee's department head or designee.
- .56 If an employee believes they have been subjected to any form of discrimination related to the Disability Review Committee's actions, an appeal may be filed under Section 421.

602. Tobacco-Free Environment Policy

**Revised: October 8, 2012**

The City will promote a smoke-free and tobacco-free environment for all City employees within City-owned or leased properties. It is our goal through the provisions of this policy to protect the health and welfare of employees and the public. The intent of this policy is to create a tobacco-free environment within the maximum extent of the law.

.1 Policy Statement

It shall be the policy of the City of Tulsa that use of tobacco materials in any form by City employees, during scheduled or unscheduled working hours, shall be regulated by certain restrictions and exemptions while within a City-owned or leased facility.

.11 Definition

- .111 Tobacco materials shall be defined as cigarettes, e-cigarettes, cigars, pipes, smokeless tobacco, and other tobacco-related substances.

.12 Restrictions

- .121 The use of tobacco materials shall be prohibited at all times within City-owned or leased facilities except for the appropriately designated location/locations. The Mayor will designate these locations and may delegate this authority.
- .122 Special purpose areas, such as a breakroom, may not be designated for the use of tobacco materials. The use of tobacco materials will not be permitted in restrooms.
- .123 The use of tobacco materials in a City vehicle is prohibited.

.13 Designated Locations

- .131 The use of tobacco materials shall be allowed only in specifically designated locations appropriately marked for this purpose. The Mayor or Mayor's designee will be responsible for designating areas or providing alternative locations for employees where the use of tobacco materials is permitted. Such designated area is not required to be in a department.

.14 Special Provisions

- .141 City employees working outside an enclosed facility or conveyance are not covered by this policy.
- .142 Signs designating "Smoking Permitted" or "The Use of Tobacco Materials Permitted" areas shall be posted as appropriate.
- .143 The sale of all tobacco products is prohibited within City-owned or leased facilities, except when the facility is providing these products for sale to the general public; i.e. airport facilities.

.15 Administration

- .151 The Personnel Director or designee shall oversee the administration of the tobacco-free environment policy.
- .152 Department Heads shall be responsible for enforcement of the provisions set out in this policy for their employees.
- .153 Disputes with employees concerning administration of this policy shall be subject to the contractual grievance procedures or the Grievance Procedure (Section 416 of the Personnel Policies and Procedures Manual).
- .154 The City encourages tobacco users trying to quit to contact the Employee Assistance Program (EAP) for free literature on Smoking Cessation and information concerning community providers of structured Stop Smoking Programs. The City of Tulsa Wellness plan will also offer Smoking Cessation programming.
- .155 Employees violating the provisions of this policy may be subject to disciplinary action.

603. Communicable Disease Policy

In recognition that the epidemic of Acquired Immune Deficiency Syndrome (AIDS) continues to escalate and that other communicable diseases may exist in the workplace, the City of Tulsa is committed to providing appropriate policies and workplace practices regarding communicable diseases in order to maintain a healthy, safe and orderly workplace for all employees.

This policy is established to provide management personnel with specific guidance in dealing with communicable diseases and to promote non-discriminatory actions when an employee has been identified as having Acquired Immune Deficiency Syndrome (AIDS), or Human Immunodeficiency Virus (HIV).

1. Employment Conditions

.11 The City of Tulsa shall not unlawfully discriminate against employees who have any communicable disease, including Acquired Immune Deficiency Syndrome (AIDS). It is the policy to continue the employment opportunities of victims of a communicable disease who are deemed medically fit to work and who pose no threat to the work environment, while preserving the safety and well being of all employees.

.2 Reasonable Accommodation

.21 If an employee with a communicable disease is disabled, the employee shall be afforded reasonable accommodation with regard to the employee's employment obligation, in order to obtain necessary and desirable treatments. Such accommodation may include work schedule changes and restructuring of job duties.

.3 Leave Provisions

.31 The use of authorized leave due to factors relating to an employee having a communicable disease shall be subject to the provisions of Section 300, "Leave", of the Personnel Policies and Procedures Manual, or where appropriate, under the terms of a collective bargaining agreement.

.4 Health Care and Personal Assistance

.41 The City Physician shall be designated as the primary contact concerning assistance to employees with communicable diseases and will provide department heads or representatives, with specific information regarding Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), or other communicable disease questions.

.42 Employees with a communicable disease or any related conditions are encouraged to utilize the services of the Employee Assistance Program for help in locating community support groups and organizations concerned with these issues, or any other personal concerns and/or difficulties which may be affecting job performance or have the potential to adversely affect job performance.

.5 Insurance and Disability Benefits

.51 Medical care plans shall provide health and life insurance coverage and disability benefits for employees with a communicable disease under the same provisions and conditions as those afforded other employees.

.6 Confidentiality

.61 The City of Tulsa recognizes that all information relating to the condition of

personal health of one of its employees is private and confidential.

- .62 Information contained in Employee Assistance Program or Medical files concerning an employee's health condition, particularly communicable diseases, shall not be disclosed, unless one of the following conditions occur: (1) the employee signs the appropriate release allowing the disclosure; (2) a court order is entered requiring the disclosure; (3) the disclosure is otherwise authorized pursuant to duly and lawfully enacted statute, ordinance, regulation, or rule.

.7 Education and Training

- .71 The City shall provide training sessions and educational information concerning Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection and other communicable health conditions for managers and supervisors and shall promote non-discriminatory employment practices toward employees who have AIDS or other communicable health conditions.
- .72 The City shall provide educational information concerning Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection and other communicable diseases to all regular City employees in order to relieve anxiety and fear within the workforce.

604. Pre-Employment Physical Examinations

- .1 Appointments for pre-employment physical examinations shall be the responsibility of the receiving department. The appointing authority or designated representative may authorize the physical examination for those applicants certified for employment within his/her department. Only those applicants who are tentatively selected for employment shall be examined by the City Physician.
- .2 The Personnel Department may have applicants complete physical examinations prior to certification if there are doubts concerning their physical or mental ability to perform the essential functions of the job.
- .3 Immediately upon completion of the physical examination, the City Physician shall determine the employability of the applicant and forward the appropriate form (TUL-1637) to the designated appointing authority or to the Personnel Department for attachment to the employment application.
- .4 Only those applicants who are determined to be employable in the class to which certified may be appointed by the department. Should a question of employability arise which cannot be resolved by the City Physician and the appointing authority, the Personnel Director shall make the final determination.
- .5 Employees with physical limitations, as determined by the City Physician, shall not be assigned tasks that may exceed those limitations. Departments shall consult with

the City Physician when an employee's ability to perform tasks is in doubt.

- .6 Employees with physical limitations shall not be certified for promotion until it has been determined the employee is able to physically perform the new duties.
- .7 Exceptions to a pre-employment physical must be approved by the Personnel Director and normally shall be limited to instances where a large number of people must be employed within a short period of time. Questions concerning an applicant's or employee's capability shall be decided by the Personnel Director.

605. The City of Tulsa Employee Assistance Program - See the Safety and Health Manual Section 112.

606. City Employees with Disabilities Policy **Revised: December 7, 2001**

In accordance with the Americans with Disabilities Act, the City shall not discriminate against a qualified individual with a disability in regard to job application procedures, hiring, advancement, discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment. This policy shall apply to employees who have a disability or request a reasonable accommodation to perform the essential functions of their job.

- .1 When an absence due to illness or injury exceeds forty (40) contiguous work hours, the employee shall present a medical statement to City Medical from a doctor describing the illness or injury and obtain a medical release from the City Physician before returning to work.
- .2 The employee's medical condition will be kept confidential; however, supervisors, managers, and safety personnel may be informed regarding necessary restrictions, accommodations, or possible emergency treatment considerations.
- .3 An employee shall notify his or her immediate supervisor as soon as the employee becomes aware of his/her need for an accommodation. The employee's supervisor shall report the employee's request for accommodation to the department head or designee who shall notify the Human Resources Director or the designated Disability Coordinator within the Human Resources Department.
- .4 The employee may be required to provide supporting medical information related to the disability to the Disability Coordinator. If the Disability Coordinator determines the employee has not provided or will not provide sufficient medical documentation, he/she may arrange an appointment for the employee with the City Physician.
- .5 If the Human Resources Director or designee determines that an employee is a qualified individual with a disability and that the disability prevents an employee from performing all of the essential functions of his/her job without accommodation, he/she shall take any of the following actions: (1) notify the employee's department head or designee of work restrictions based upon the employee's disability; and (2) review the employee's job situation to determine if reasonable accommodations can be



made; or (3) attempt to accommodate the employee by offering to place the employee in the City's Alternate Job Placement (AJP) Program.

- .6 The purpose of the City's Alternate Job Placement Program is to determine whether the employee can be transferred to an equivalent or lower grade position as a reasonable accommodation. If reasonable accommodations cannot be made within the employee's current job, the employee will be notified in writing. If the employee declines to participate in the AJP Program, he/she waives any further accommodations by Alternate Job Placement. If the employee elects to participate in the AJP Program, the Disability Coordinator will interview the employee and review personnel records to assess the employee's work experience, knowledge, abilities, and skills. The Disability Coordinator may confer with the City Physician, or the employee's personal physician with the employee's permission, to verify as necessary whether the employee is able to perform, with or without reasonable accommodation, the essential job functions of vacant positions for which the employee is qualified. If there is an equivalent or lower grade job vacancy within the City for which the employee is qualified, the Human Resources Director or Designee will notify the employee of the vacancy and the employee will be offered the position.
- .7 If the employee accepts the job offer, pay rates for the new position will be determined in accordance with the provisions of Section 200. If the employee declines an offered position, he/she waives any further accommodations, and the City will cease efforts to place him/her in another position through Alternate Job Placement. The employee will be scheduled on the next Disability Review Committee agenda to consider his/her employment status. Promotions of employees who are disabled shall be made only through the City's internal promotional procedure. Employees changing position through the promotional process or through Alternate Job Placement will normally be subject to the standard probationary period. If the Human Resources Director or designee and the employee's department head or designee determine that the employee is unable to satisfactorily perform the essential functions of the job with or without an accommodation due to the disability, the Disability Coordinator will determine whether the employee should be offered further efforts through AJP or be scheduled for review by the Disability Review Committee. If not offered further AJP entry, the employee will be scheduled on the next Disability Review Committee meeting for determination of employment status.
- .8 If the employee has not been offered a vacant position within sixty (60) calendar days from written notification (per .6 above), the Human Resources Director or designee will give written notification to the employee, the department head or designee, and the City Physician that the employee cannot be accommodated by a transfer to a vacant position. The Disability Review Coordinator will schedule the employee on the next Disability Review Committee meeting to consider the employment status of the employee.
- .9 If an employee has declined to participate in AJP, declined a transfer offer (606.7), or has not been offered a job (606.8) within the sixty (60) days, the Disability Review Committee shall normally initiate disability separation. The Disability Review Committee will determine if the City has properly completed its policy obligations to

the employee. If an employee believes appropriate City procedures or policies have not been followed, a claim may be filed under Section 421. Whether an accommodation is reasonable or would create undue hardship is not subject to further review.

- .10 Except as may be prohibited by law, an employee who has a disability or a medical condition which prevents him/her from performing the essential function of his/her current position, either with or without an accommodation, shall normally be disability separated upon the earlier of (1) a determination that the employee will be unable to return to full duty within twelve (12) months, or (2) the employee has been absent from work for twelve (12) months.
- .11 Upon disability separation, the disabled employee shall be entitled to receive payment for the remainder of his/her injury leave as approved by the Claims Manager and the employee has not refused a job offer (606.7). If the injury or illness is not job-related, the employee shall be entitled to receive all accrued sick leave prior to disability separation unless the employee has refused a job offer (606.7).