

PERSONNEL POLICIES AND PROCEDURES

SECTION 600

HEALTH ADMINISTRATION

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601. Smoke-Free and Tobacco-Free Environment Policy

Revised: 1/1/2026

The City promotes a smoke-free and tobacco-free environment for all City employees to protect the health and welfare of employees and the public to the maximum extent allowed by the Oklahoma Smoking in Public Places and Indoor Workplaces Act, 63 O.S. 1-1521 et seq., and all other applicable laws. The City provides employees assistance to quit smoking through its employee benefits plans.

- .1 Tobacco products are defined as: cigarettes, e-cigarettes, cigars, pipes, smokeless tobacco, and other tobacco-related substances.
- .2 No smoking or using tobacco products in any form is allowed by City employees while at work or in any City-owned or operated property, including City vehicles, except as provided below.
- .3 Smoking and using tobacco products are allowed only during breaks and lunch periods in designated outdoor areas which are at least 25 feet from building entrances. All smoking debris must be disposed of safely and properly and not left on the ground or walkways.

602. Post-Offer, Pre-Employment Physical Examinations

Revised: 1/1/2026

- .1 All job offers for original appointment are conditioned upon successful completion of a pre-employment physical examination by the City Physician or designee, which includes a drug screen. The City pays for the examination. If the applicant fails to appear or fails to complete the examination, that action will be treated as a rejection of the conditional job offer. Applicants are not permitted to report to work until completion of the examination and approval by the City Physician or designee.
- .2 Current employees who move to other positions within the City may also be required to successfully complete a pre-employment physical examination whenever the Personnel Director determines it is appropriate, such as when an employee moves to a position with different or more demanding physical requirements.
- .3 All medical information provided to the City will be maintained in confidence in accordance with the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and any other applicable law.
- .4 Before the examination, the applicant or employee will be advised which tests will be conducted. The individual will be given an opportunity to discuss any concerns they may have about the examination.
- .5 An applicant's or employee's employability for a position is determined by considering the essential functions of the position and whether they can safely perform the functions with or without reasonable accommodation. The City Physician will advise the Human Resources Department whether the applicant or employee is medically qualified to perform in the position, and the Personnel Director will make the final decision.
- .6 Employees with work restrictions that prevent them from performing the essential functions of the position cannot be certified for the position until the City Physician determines that they are safely able to perform the essential functions.

.7 Employees with work restrictions that the City Physician has issued cannot be assigned tasks that exceed those limitations. Any questions regarding whether the assigned tasks exceed the limits must be directed to the City Physician.

603. Disability and Accommodation Policy

Revised: 1/1/2026

The City complies with all federal, state, and local laws and regulations concerning the employment of individuals with disabilities or entitlement to accommodation. Further, the City does not discriminate against qualified individuals with disabilities or entitlement to accommodation in its application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

.1 The City provides reasonable accommodation for known physical or mental disabilities or limitations to individuals who are:

.11 Applicants who request accommodation to participate in the application process, or

.12 Qualified employees with disabilities, or qualified employees affected by pregnancy, childbirth, or related medical conditions, who request accommodation to enable them to perform the essential functions of the job, gain access to the workplace, or enjoy equal benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities or such medical conditions, and

.13 The accommodation does not place an undue hardship on City operations or pose a threat to health or safety in the workplace.

.2 For this policy:

A **disability** is any physical or mental impairment that substantially limits a major life activity as defined by the American with Disabilities Act (ADA), as amended.

A **limitation** is a temporary medical condition that relates to pregnancy or childbirth and is required to be accommodated by the Pregnant Worker's Fairness Act, as amended.

A **reasonable accommodation** is a modification or adjustment of an employee's job or work environment that enables the employee to perform essential job functions or enjoy the same employment benefits and privileges as similarly situated employees without disabilities or limitations.

The **12-Month Period** is the maximum amount of time an employee may be absent from work for non-job-related personal health issues or light duty. It is a consecutive timeframe starting from the last date the employee worked full duty and continuing until the employee returns to work full duty for 90 consecutive calendar days, or upon conclusion of the last day of the 12th month, whichever occurs first. Intermittent work periods that are less than 90 consecutive calendar days are included within the 12-Month Period.

A **medical separation** is granted by the Medical Review Committee to separate an employee from employment after it is determined they are unable to perform the essential functions of their position and cannot be reasonably accommodated. It is not

a disciplinary action, and the employee is subsequently eligible to apply for rehire for any position they are qualified to perform either with or without accommodation.

- .3 Disability and accommodation issues are referred to the Human Resources Department to resolve in coordination with the City Physician who advises whether an applicant or employee is medically qualified to perform the position.
- .4 An employee must request accommodation by notifying their manager, department head, the City Physician, or the Personnel Director that they are having a problem at work related to their medical condition. They may be asked to complete the City's *Accommodation Request Form*. They may also be required to have their personal physician complete the City's *Accommodation Medical Certification Form*. The City may request the employee provide additional medical information or provide information about their work qualifications if reassignment to another position is considered for accommodation.
- .5 After receiving the requested information, if the City finds that an employee is eligible for accommodation, it will engage in an interactive process with the employee to determine what, if any, accommodation can be provided. Attempts first will be made to reasonably accommodate the employee in their current position by working with the employee's department to examine the essential functions of the employee's job to determine possible accommodation. Employees are encouraged to suggest possible accommodation although the City decides which, if any, accommodation will be made. Such determinations are made on a case-by-case basis. Accommodation may be periodically reviewed, and employees may be required to provide updated medical information.
- .6 Employees who are unable to perform the essential functions of their position may be accommodated by using leave according to the provisions in Personnel Policies and Procedures Section 300. However, indefinite leave in which the employee cannot say whether or when they will be able to return to work or leave extending more than 12 months, is an undue hardship that cannot be accommodated, and the employee may be considered for medical separation by the Medical Review Committee.
- .7 The City Physician or designee examines employees returning from leave for their own health issue as provided in the Sick Leave policy under PPPM 306, or light duty as provided under PPPM 311, and determines whether they are fit to return to duty and any specific work restrictions. Employees also may be required to provide medical records from their personal physician to assist the City Physician's or designee's review, but the City Physician or designee determines whether employees are medically qualified to perform their positions. Employees cannot return to work or return to full duty unless authorized to do so by the City Physician or designee.
- .8 Alternate Job Placement Program

If the employee has a disability or limitation and cannot be reasonably accommodated in their current position, they may be able to transfer to a different position by participating in the City's Alternate Job Placement (AJP) Program as a final attempt for accommodation.

- .801 The AJP Program allows an employee eligible for accommodation to be reassigned to another vacant position at an equivalent or lower job classification for which they are qualified. If offered, participation in the program is voluntary by the employee and the employee must elect in writing

to participate.

- .802 An employee participating in the AJP Program has up to 30 calendar days to obtain placement in another position, and if the absence or light duty is for personal medical reasons, the placement must be completed within the 12-Month Period.
- .803 To participate, the employee leaves their current position where they cannot be accommodated, waiving any rights to that position, and are placed on paid leave if they have any accruals or otherwise on unpaid leave, while they work with Human Resources to identify vacant positions at the same or lower job classifications that the employee is qualified to perform. If a new position is identified and the City Physician determines the employee can safely perform its essential functions, with or without accommodation, the employee is placed in the position without a competitive process, meaning they are given priority placement in the position over others who apply under the internal promotional procedure. If more than one employee is matched to the same position under the AJP Program, priority will be given to the first to accept. The employee will be paid the pay rates for the new position according to the provisions in Section 200 of the Personnel Policies and Procedures.
- .804 If the employee declines to participate in the AJP Program, efforts to accommodate them will be exhausted and they may be considered for medical separation by the Medical Review Committee.
- .805 If the employee is placed in an alternate position under the AJP Program, they serve the probationary period in the new position that applies to their grade level for promotions or interdepartmental transfers under Section 100 of the Personnel Policies and Procedures.
- .806 If the employee is not matched to a position under the AJP Program within the established timeframe, or declines the placement offered, or is matched to a position but fails to satisfactorily perform during the probationary period, efforts to accommodate their disability will be exhausted. The employee may be considered for medical separation by the Medical Review Committee.
- .9 On their own initiative, employees can apply for promotions to higher job classifications, but those positions are not part of the AJP Program and must be made through the City's internal promotional procedure and are subject to the competitive process.
- .10 The City is not required to excuse conduct that would result in disciplinary action solely because the employee has a disability or limitation. An employee who fails to meet performance standards or whose conduct is inappropriate will receive the same treatment as an employee without a disability or limitation.
- .11 In accordance with applicable law, the employee's disability or limitation will be kept confidential. However, supervisors, managers, and safety personnel may be informed regarding necessary restrictions, accommodations, or possible emergency treatment considerations.

.1 Purpose

- .11 The Medical Review Committee (Committee) reviews the circumstances of classified City employees who are on extended leave or light duty and are unable to perform the essential functions of their position because of personal or work-related injuries, illnesses, disabilities, or limitations that make them eligible for accommodation; assists them in returning to full-duty work if possible; and reviews their job status as warranted.
- .12 For qualified employees with disabilities or limitations who are eligible for accommodation, the Committee may assist the Human Resources Department in offering the Alternate Job Placement (AJP) Program when appropriate.
- .13 For employees who are unable to timely return to full duty and/or cannot be accommodated, the Committee may consider whether to grant a medical separation and provide an impartial due process pre-termination hearing process that satisfies the requirements of Section 400 of the Personnel Policy and Procedures.
- .14 The Committee functions as an advisory and recommending body to the Personnel Director and the Mayor on disability and accommodation personnel matters.

.2 Committee Structure

- .21 The Medical Review Committee consists of the following five members:
 - a. Personnel Director or designee, who serves as chair of the Committee,
 - b. City Physician or designee,
 - c. Three representatives appointed by the Mayor, at least two of whom are current City Department Heads or senior managers from operating departments.
- .22 The City Attorney or designee will provide legal services and advice to the Committee.
- .23 Others who may be requested or required to attend Committee meetings include the City employee on leave or light duty and/or their representative; the employee's department head or designee; and others that the Committee requests for assistance.
- .3 Human Resources will review the status of employees who have been on leave, any combination of leaves, or light duty for more than 60 consecutive calendar days, or 320 hours intermittently, within the previous six months, for possible referral to the Medical Review Committee.

.4 Medical Review Committee Meetings

- .41 The Committee meets monthly when it has business to discuss pursuant to the annual schedule filed with the City Clerk.
- .42 When an employee's work status is considered by the Committee, the employee

will be provided:

- .421 Written notice of the meeting at least 10 calendar days before the meeting that the Committee may take action to grant the employee a medical separation. The notice will be mailed by regular USPS Mail with a certificate of mailing to the last known address provided by the employee in the payroll system unless the employee makes other arrangements with the Human Resources Department, and
- .422 Access to or copies of the applicable Personnel Policies and Procedures.
- .43 If the employee or their representative is unavailable for the scheduled meeting, a postponement may be allowed by the Personnel Director or designee. Absent extenuating circumstances as determined by the Personnel Director, the request for postponement should be received by the Personnel Director or designee at least 24 hours before the scheduled hearing and no more than one (1) postponement within a six (6) month period.
- .44 The meeting provides the employee with an opportunity to discuss their medical status and whether they should be granted a medical separation. The meeting satisfies the due process requirements of a pre-termination hearing under Section 400 of the Personnel Policies and Procedures Manual. The Committee can act at the meeting on the employee's job status, including granting a medical separation.

.5 Medical Review Committee Actions

- .51 The Committee will meet with employees and/or their representatives to discuss their absence from work or inability to perform essential job duties at full duty to assist the employee in returning to work as quickly as possible.
- .52 Employees are required to attend the meetings unless otherwise excused and to provide requested or updated medical information to the City Physician. In the employee's absence, the Committee can still act on the employee's job status.
- .53 Employees are considered for medical separation for non-job-related personal health issues whenever they are unable to perform their essential job duties either with or without accommodation at the *earliest* of:
 - .531 When the employee or their personal physician advises that the employee will not be able to work either with or without accommodation, or cannot provide a medical opinion that they will be able to return to work within the 12-Month Period from the date they last worked full duty, or
 - .532 When the City Physician (who may request input from the employee or employee's personal physician) makes a medical determination that the employee will be unable to return to full duty within the 12-Month Period from the last date they worked full duty, or

.532 When the employee has been or will be absent from full duty for the 12- Month Period from the last date they worked full duty.

.54 The 12-Month Period is the maximum amount of time an employee may be absent from work for non-job-related personal health issues or on light duty. It is a consecutive timeframe starting from the last date the employee worked full duty and includes absences for sick leave, injury leave or FMLA, whether used consecutively or intermittently, and includes intermittent work periods that are less than 90 consecutive calendar days. The 12-Month Period continues until the employee returns to work full duty for 90 consecutive calendar days with no unauthorized and unpaid leave, or upon conclusion of the last day of the 12th month, whichever occurs first. During the 90 consecutive calendar days that the employee is returned to work at full duty, the employee can use any approved accrued paid leave or FMLA.

For example, an employee with a personal illness is off work for 10 months, then returns to work for 1 month before going off work again with a personal illness. The employee must return to full duty before the initial 12 months expires because they did not work at least 90 days at full duty when they briefly returned. However, if the employee has been off work for 10 months, then returns to work full duty for 90 days, the 12-Month Period starts over for any additional absence.

.55 Employees are considered for medical separation for job-related health issues whenever they have reached maximum medical improvement as provided in the Oklahoma statutes for workers' compensation 85A O.S. Sec. 1 et seq. and are unable to perform their essential job duties either with or without accommodation.

.56 If the Committee grants a medical separation, notice of the action will be sent to the employee and their department.

.57 Unless the employee refused an AJP Program placement offer, the employee granted a medical separation will be paid any remaining accrued sick or approved injury leave at a ratio of one hour of pay for each hour of accrued sick or injury leave.

.58 If an employee believes they have been subjected to discrimination or that City procedures and policies were not followed, they may appeal under Section 400 of the Personnel Policies and Procedures, but decisions on whether accommodation is reasonable or would create undue hardship are not subject to appeal.