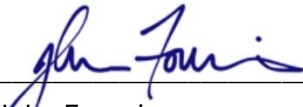


COUNTY OF



ALLEGHENY

Name Of Policy: AP 202 - Fitness for Duty	Original Date Issued: 8/14/25
Date(s) Revised: This policy supersedes and replaces all previously issued policies related to Fitness for Duty.	Issued By Direction Of:  John Fournier County Manager, Allegheny County

Scope:

This policy applies to the following individuals:

	Applies (X)		Applies (X)
Non-Union Full-Time Employees	x	Contract Employees	x
Non-Union Part-Time Employees	x	Temporary Employees	x
Union Full-Time Employees	x	Contractors	x
Union Part-Time Employees	x	Any Person Who Works as an Agent for the County in Any Other Capacity	x

1. Introduction

1.1 Background

Allegheny County is committed to promoting and maintaining a work environment where County employees perform their job duties in a safe, appropriate and effective manner.

1.2 Purpose

To establish procedures by which Allegheny County can evaluate an employee's ability to safely and competently perform when the County has objective information indicating an employee is not able to perform their essential duties or the employee potentially poses a direct threat to themselves or to others.

1.3 Scope

This policy applies to all Allegheny County employees. For the purposes of this policy, Employees are defined as any person who works on behalf of the County whether in regular employment, temporary employment, on a contract basis, or who works as an agent of the County in any capacity.

If this policy or these procedures conflict with any part of a bargaining unit agreement, the bargaining unit agreement will prevail.

1.4 Compliance/Violations

Those who violate this policy and these procedures may be subject to disciplinary action in accordance with the Allegheny County Progressive Discipline Policy up to and including termination.

1.5 Interpretation

The authority for interpretation of this policy rests with the Allegheny County Manager and the Director of Human Resources.

1.6 Policy Review and Updates

Allegheny County reserves the right to change this policy at any time.

1.7 Definitions

- **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol
- **Alcohol Screening Test:** An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen
- **Alcohol Use (Use of Alcoholic Beverages):** The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication) which contains alcohol
- **Adulterated Specimen:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine
- **Diluted Specimen:** A specimen with creatinine and specific gravity values that are lower than expected for human urine
- **Direct Threat:** A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation
- **Employee Assistance Program:** A County-sponsored and County-paid benefit administered by a third party designed to assist employees in resolving personal and work-related

concerns that may adversely affect work performance, including those related to alcohol and drug abuse

- **Drugs:** The drugs for which tests are required under DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. The drugs for which tests are required for a Non-DOT test are marijuana, cocaine, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepines, methadone, methaqualone, propoxyphene, and opiates
- **Drug Test:** The use of urinalysis or blood as a clinically accepted method of detecting drugs or alcohol in the human body
- **Employee:** Any person employed by Allegheny County in a full-time, part-time, seasonal or temporary position
- **Fitness for Duty:** Refers to the physical, mental and emotional readiness of an employee to perform their job in a safe, appropriate and effective manner
- **Fitness for Duty Examination:** An assessment of an employee's ability to safely, appropriately, and effectively perform their job duties through the use of an alcohol screening test, or through the use of urinalysis or blood as a clinically accepted method of detecting drugs or alcohol in the human body or by a formal, specialized examination of an employee's physical, mental or emotional health by an independent, licensed health care provider
- **Illicit Use of Drugs:** Use of either prohibited drugs, and/or use of drugs without a prescription and/or abusive use of drugs received by prescription
- **Invalid Test:** An invalid test result occurs when a collection error or adulteration is noticed after the specimen has been analyzed. Examples of invalid test results include: two test results found to have the same number; suspicion that a specimen has been adulterated; or incorrect completion of the custody and control forms. An invalid test is the same as a non-test; it is neither positive nor negative
- **Negative Test:** One which shows no indication of substance abuse upon the initial test; or, one which has shown a presumption of such substance on the initial test, but not on the confirmatory test; or, one which has been judged to be negative by the Medical Review Officer on a basis other than the results of the analytical process
- **Positive Test:** One which has been evaluated for administrative, forensic, and/or analytical accuracy, with a determination, through dialogue with the person who provided the sample, and examination of all known confounders, that has been judged as a "true" positive by the Medical Review Officer
- **Prohibited Conduct:** Prohibited conduct may include but is not limited to: Reporting to or performing work under the influence of drugs or alcohol or the possession, manufacture, transfer, distribution, dispensing, sale, or illicit use of drugs or use of alcoholic beverages while on County premises; during work hours including lunch and break periods and while on call; while driving County-owned or leased motor vehicles; while driving personal motor vehicles during the performance of job duties; or while conducting any County-related business.
- **Reasonable Suspicion:** An articulable belief based on specific facts, observable behavior and reasonable inferences drawn from those that an employee is under the influence of or impaired to any degree by drugs and/or alcohol
- **Substituted Specimen:** A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine
- **Motor Vehicle Accident:** Any occurrence involving the operation of a motor vehicle which results in the loss of human life or bodily injury, or results in property damage or any occurrence involving the operation of motor vehicle that results in an employee receiving a

citation. Motor vehicles include County-owned and Leased motor vehicles as well as personal motor vehicles used during the performance of job duties.

2. Policy

2.1 Policy Statement

All employees have the responsibility to report to work in a condition fit to perform their duties without undue risk to themselves, other employees or the public and to maintain fitness for duty throughout all work hours including meal and break periods and when on call. Therefore, a referral for a fitness for duty examination will be made when:

- an employee is involved in a motor vehicle accident while on duty;
- an employee is involved in any on-the-job incident, accident or injury under circumstances that suggest possible use or influence of drugs or alcohol or when the accident results in serious injury or fatality to any person;
- a manager has knowledge of, or reasonable suspicion exists that an employee has engaged in, conduct prohibited by this policy, or
- as a result of observation, self-disclosure or other reports and known facts, it is suspected an employee's physical, mental or emotional health or the effects of treatment for such conditions has limited the employee's ability to perform job duties in an effective manner or without posing a direct threat to themselves or to others

Allegheny County encourages employees to seek assistance for substance use disorders before they begin to negatively impact the employee's work performance and behavior. As a benefit of employment, full-time and part-time employees may seek assistance through the County's Employee Assistance Program (EAP). This program is available to assist with substance use disorders as well as numerous other personal or work-related issues. The program is County-paid and available to all members of an employee's household. Use of the program is confidential when self-initiated.

2.2 Violations

The following will automatically result in a violation of this policy.

- Engaging in any prohibited conduct;
- Failure to report motor vehicle accidents; accidents must be reported as soon as practicable after the occurrence to the employee's manager or other designated person or in accordance with reporting requirements specified by individual County departments;
- Positive, adulterated, substituted, diluted or invalid drug test results when the drug test is requested or required by the County;
- Tampering with or interfering with any fitness for duty examination or results in any way;
- Refusal of an employee to sign A Notice of Rights Under the Fair Credit Reporting Act/Permission to Investigate Form; the Drug and Alcohol Testing Consent Form; or the Medical Testing Consent Form; and
- Refusal to submit to any fitness for duty examination; refusal to submit to a drug and alcohol test is a rebuttable presumption that the employee was under the influence of drugs or alcohol at the time of referral. The employee will be treated as having tested positive. An employee who refuses or fails to report to a physical, mental or emotional health examination may be charged for appointment cancellation fees.

2.3 Reporting Violations

Employees who believe their managers or other employees are in violation of this policy may report their concerns to any manager, the Department Director, or to the Department of Human Resources at 412-350-6830.

2.4 Retaliation

Retaliation against any employee who in good faith reports violations of this policy is prohibited.

3. Procedures

These procedures are intended to serve as guidelines for recognizing instances when employees should be referred for a fitness for duty examination, scheduling examinations and for follow-up action. It is recognized that all circumstances vary and therefore these guidelines should not be construed as binding.

3.1 Notices and Consent Forms

When practicable, any employee referred for a fitness for duty examination should be provided A Notice of Rights Under the Fair Credit Reporting Act/Permission to Investigate Form and A Summary of Rights Under the Fair Credit Reporting Act. Unless already signed and on file, the following consent forms also should be provided to employees when practicable.

- Drug Testing Consent Form
- Medical Testing Consent Form

When practicable, the Department of Human Resources should be consulted prior to referring an employee for a fitness for duty examination.

3.2 Leave

Any employee referred for a fitness for duty examination should not report back to work until instructed by their manager or other designated person. The leave type and pay status will be determined based on an assessment of circumstances leading up to the fitness for duty examination.

3.3 Post-Accident Drug and Alcohol Testing Procedures

Upon receipt of a reported accident, the manager or other designated person will arrange for the drug and alcohol test by contacting a County-approved collection facility. Escort and transportation arrangements will be made, and authorization and other forms required by the collection facility will be provided.

Post-Accident testing should be completed within two hours of the accident, absent extenuating circumstances.

3.4 Reasonable Suspicion Drug and Alcohol Testing Procedures

When practicable, reasonable suspicion that an employee is under the influence of or impaired to any degree by drugs and/or alcohol or who has engaged in any prohibited conduct as defined in

Section 2 of this policy should be confirmed by two members of management (which could include a representative from the Department of Human Resources).

When practicable, observations and facts should be documented using the available Reasonable Suspicion Documentation Form.

As soon as possible and in as confidential manner as possible, the employee should be directed to cease work activities; be informed of the observation and other information causing reasonable suspicion; given an opportunity to provide an explanation; and informed that in order to rule out possible violations of County Policy, procedures require that employees give consent and submit to a drug and alcohol test to determine fitness for duty. The employee should be informed that refusal to submit to a drug and alcohol test is a rebuttable presumption that the employee was under the influence of drugs or alcohol at the time of referral. The employee will be treated as having tested positive.

The manager or other designated person will arrange for the drug and alcohol test by contacting a County-approved collection facility. Escort and transportation arrangements will be made, and authorization and other forms required by the collection facility will be provided.

Employees referred for drug and alcohol testing will be provided a HIPPA consent form and a Notice of Privacy Statement at the collection facility. The employee's identification will be verified two times. Collection and testing of specimens are conducted in accordance with the Occupational Safety and Health Administration (OSHA), DOT, the Americans with Disabilities Act, County policies and other applicable federal, state and local laws and regulations. The Medical Review Officer Report will be provided or mailed to the County's Designated Employer Representative (DER) and appropriate personnel within the employee's department. If the Medical Review Officer Report indicates a non-negative drug test result, within five days of the County receiving the report, the employee will be provided a pre-adverse action letter informing them of the test result along with a copy of the report and a copy of Rights under the Fair Credit Reporting Act. The employee will be given seven business days to dispute the accuracy of the report or its completeness. This process may occur in conjunction with disciplinary proceedings as specified in current disciplinary policies and procedures.

3.5 Physical, Mental, and Emotional Health Fitness for Duty Examinations

Physical, Mental, and Emotional Health Fitness for Duty Examinations are limited to job-related inquiries and must be consistent with business necessity. The need for examinations should be determined by appropriate personnel within the employee's department in consultation with the Department of Human Resources. Examinations typically are coordinated by the Department of Human Resources with detailed input from the employee's department.

When as a result of observation, self-disclosure or other reports and known facts, it is suspected an employee's physical, mental or emotional health or the effects of treatment for such conditions has limited the employee's ability to perform job duties in an effective manner or without posing a direct threat to themselves or to others causing a need for a fitness for duty examination, the employee should be directed to cease work activities as soon as possible.

Observations and other reports and known facts should be documented as soon as possible.

Management should discuss with the employee the observations, reports and known facts causing concern.

The Department of Human Resources will schedule the employee for the examination to be conducted by an independent, licensed health care professional.

Upon receipt of Fitness for Duty Examination results, the employee's department, in consultation with the Department of Human Resources will defer to other appropriate, applicable policies and procedures for follow-up action.

4. Record Retention

Medical records relating to fitness for duty examinations are maintained by the third party administering the examination in accordance with all applicable federal, state and local laws and regulations. Allegheny County will maintain final examination reports for seven years after the employee separates from employment.

5. Attachments

- 5.1 A Notice of Rights Under the Fair Credit Reporting Act/Permission to Investigate Form
- 5.2 A Summary of Rights Under the Fair Credit Reporting Act
- 5.3 Drug and Alcohol Testing Consent Form
- 5.4 Medical Testing Consent Form
- 5.5 Employee Assistance Program Information

6. Questions/Contact Information

Questions concerning this policy should be directed to:

Allegheny County Department of Human Resources: Employee Relations
Suite 920, City-County Building
414 Grant Street
Pittsburgh, PA. 15219
Phone: 412-350-6940

7. Miscellaneous

Employee Assistance Program Support
LifeSolutions
800-647-3327
work.partners/lifesolutions
Login Company Code: allegheny

Allegheny County remains committed to complying with the Family Medical Leave Act of 1993, Public Law [103-3], as amended by Section 585 of National Defense Authorization Act for FY 2008, Public Law [110-181], by Section 565 of the National Defense Authorization Act for FY 2009, Public Law [111-84], by the Airline Flight Crew Technical Corrections Act, Public Law [111-119], and the accompanying regulations, 29 CFR Part 825 and Title I of the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and the accompanying regulations, 29 CFR Part 1630.