

Three Rivers School District

Code: GCBDB/GDBDB
 Adopted: 10/17/11
 Orig. Code: GCBDB

DELETE & ADOPT NEW VERSION

Fitness for Duty/Attendance

- ~~1. Each employee shall accept employment only if he/she is able to perform all of the essential requirements of the job, as stated on the job description and vacancy announcement, with or without reasonable accommodations.~~
- ~~2. All employees shall maintain satisfactory attendance, which shall mean reporting for duty and staying at duty during all assigned times, with no absences greater than one day per month, on the average, for sick leave and any other leave time provided by contract or agreement. Employees who will not be able to maintain attendance at this level due to a disability or medical conditions that qualifies under the Americans with Disabilities Act or the Family Medical Leave Act shall inform their supervisor so that appropriate arrangements can be made for substitutes; in such situations, the qualifying leave shall not be counted against satisfactory attendance.~~
- ~~3. Each employee must report to work for all scheduled workdays at the assigned time, fit for duty. This means that the employee shall be mentally and physically fit and ready to perform the job duties assigned.~~
- ~~4. Employees who are not fit for duty, either because of illness or injury or because of incapacitating conditions or use of drugs or alcohol, shall report immediately to their supervisor and to obtain permission for leave for that day and subsequent days if necessary. The employee may qualify for paid leave benefits and/or Workers' Compensation benefits. Unless other vacation time or contractual leave is available under an applicable collective bargaining agreement, or individual employment agreement or applicable statute(s), the employee shall not be paid for time he/she is absent from work because of unfitness for duty.~~
- ~~5. The district has the right to require an employee to provide information from his/her medical treatment provider and/or to require an independent medical examination if observation and other information available to the supervisor suggests that the employee may not be fit for duty and/or the employee may present a danger to himself or others.~~
- ~~6. Disciplinary action or dismissal action may be taken by the district as a result of the employee's failure to report fit for duty.~~

END OF POLICY

Legal Reference(s):

Americans with Disabilities Act
 Oregon Family Medical Leave Act (OFLA)
 Family Medical Leave Act (FMLA)

RECOMMENDED OSBA VERSION TO ADOPT (Aug. '22)

Code: GCBDB/GDBDB
Adopted: 10/17/11
Orig. Code: GCBDB

Early Return to Work

Efforts will be made, on a case-by-case basis, to reinstate ill or injured employees to work. The reinstatement will be within the requirements of the injury, the limitations of the law and the limitations of the district.

In the event an employee is not able to perform essential job functions completely after an illness or injury, the district will determine whether reasonable accommodations are appropriate that would provide a temporary light-duty assignment, restructuring of a position to include modified workdays, shift or part-time work, hours of work or modifications in facilities, equipment, special aids and services. Reasonable accommodations must not result in an undue hardship on the district.

If an employee cannot be reasonably accommodated in their current position, the district will review alternative assignments. The employee, if qualified, will be offered an available vacant position with or without reasonable accommodations. If recovery is ongoing, sick leave is exhausted and no other assignment is possible, the district may provide temporary unpaid leave as an accommodation in accordance with state and federal law.

The district will maintain current job descriptions for each position. Physical requirements for appropriate job categories will be established.

The superintendent or designee will develop procedures as necessary to implement this policy.

END OF POLICY

Legal Reference(s):

[ORS 659A.043](#)
[ORS 659A.046](#)
[OAR 436-110-0003 to -0900](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2016); 28 C.F.R. Part 35 (2016).
Americans with Disabilities Act Amendments Act of 2008.

