

AT&T FITNESS FOR DUTY POLICY

Effective January 1, 2020

1. POLICY
   1. This policy applies to all employees of all AT&T companies (“AT&T” or “Company”).
   2. The Company may request an employee to undergo a Fitness for Duty Evaluation when a supervisor has a reasonable belief, based on objective evidence (which may include statements made by the employee), that a medical and/or mental health condition may be causing an employee’s unsatisfactory job performance, or causing an employee to be a direct threat to him/herself or others.
   3. The Company reserves the right to amend, change, or cancel this policy or any part thereof, or reduce, modify, or suspend its terms at its sole discretion at any time. This policy is not a contract or assurance of compensation, continued employment, or benefit of any kind.
   4. Individual Business units may not modify this policy.
   5. Failure to comply with the provisions of this AT&T policy may result in disciplinary action for the supervisory manager. If the employee refuses either to sign the appropriate release or to undergo a fitness for duty evaluation, the Company will make a decision regarding the employee’s fitness for duty based on the information available to management. An employee’s failure to comply with the provisions of this policy may also result in disciplinary action, as determined by state law and local practice.
   6. This policy shall be applied under and at all times governed by applicable state and federal laws. If an employee or manager of the employee has a question about this policy, such questions should be directed to his/her Employee Relations Manager.
   7. This policy applies only to fitness for duty evaluations. It does not apply to any other type of evaluation of a physical or mental condition, including but not limited to evaluations relating to violence or threats of violence in the workplace, or suspected substance abuse. Supervisor should contact Asset Protection regarding workplace violence or threats of violence and refer to applicable substance abuse policies or call the Employee Assistance Program (EAP) Consultant regarding suspected substance abuse.

2.0 FITNESS FOR DUTY EVALUATION

* 1. An employee’s ability to successfully perform his/her job responsibilities may depend on a number of factors including the employee’s health and physical or mental condition. If a supervisor has a reasonable belief, based on objective evidence, that an employee’s ability to perform essential job functions is being impaired by a medical and/or mental health condition, or that the employee poses a direct threat to him/herself or others, a Fitness for Duty Evaluation may be considered.
  2. A Fitness for Duty Evaluation is an evaluation, by a licensed health care provider that is qualified to examine an employee and provide a professional medical opinion, based upon accepted medical facts that will indicate whether or not the employee is able to perform the essential functions of his/her assigned job with or without reasonable accommodation. This evaluation may be supplemented by diagnostic studies and procedures that will assist the health care provider in the determination of the employee’s ability to perform the essential job functions without posing a direct threat to him/herself or others.
  3. When performance is the issue, the first step, as with any case of less than satisfactory performance, is for the supervisor to compile the documentation of observable, objective facts to support a performance problem. Documentation should include attempts by management to address the problem and the results of such attempts. If required by local agreement with the Union, the supervisor should first meet with the employee and a union representative to discuss the problem. If traditional counseling and early disciplinary measures (oral warnings, written warnings, suspensions, etc.), do not solve the problem, and the supervisor has a reasonable belief, based on objective evidence, that the employee may have a medical and/or mental health condition that is impacting the employee’s ability to meet performance standards, or if the employee suggests that there might be a medical and/or mental health reason impacting their ability to meet performance standards, the supervisor should contact the EAP Management Consultant for advice and counsel. If required by local agreement with the Union, the supervisor should advise the union representative that the EAP Management Consultant has been contacted.
  4. When the issue is whether the employee poses a direct threat to others, if the supervisor has a reasonable belief, based on objective evidence, that a potential threat exists, the supervisor should consult Asset Protection immediately for advice and counsel. Regional Office phone numbers and policy information can be located on http://assetprotection.web.att.com.

2.5 If it is necessary to obtain medical information about whether an employee’s physical and/or mental health condition is adversely affecting an employee’s ability to perform his/her job, it may be appropriate for the EAP Management Consultant/Fitness for Duty Vendor or Associate Director, Benefits to ask the employee to contact his/her health care provider and consent to release any relevant medical information to the EAP Management Consultant or Associate Director, Benefits. In some cases, medical information provided may eliminate the need for a Fitness for Duty Evaluation. Alternatively, a Fitness for Duty Evaluation may be appropriate.

3.0 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for the following:

* To discuss a Fitness for Duty Evaluation for an employee, contact Optum’s EAP Management Consultants at 1-866-263-9253 between the hours of 7:00am to 7:00pm CST.
* After discussion, document in writing the reasons for requesting a Fitness for Duty evaluation and forward to the EAP Management Consultant or the Associate Director, Benefits as directed.
* Charges related to a Fitness for Duty determination will be borne by the requesting department and should be processed promptly for payment upon receipt. These charges may include costs for evaluation by a contracted health care provider, records review and/or physician-to-physician consultation.

1. EAP MANAGEMENT CONSULTANT RESPONSIBILITIES

EAP Management Consultant is responsible for the following:

* Triage all contacts received from supervisors and determine if the documentation supports fitness for duty activity and if objective evidence suggests a physical or mental health condition that is affecting the employee’s ability to perform his/her job or causing the employee to be a direct threat to him/herself or others.
* If the objective evidence suggests a physical medical condition may be causing an employee’s unsatisfactory job performance, the EAP Management Consultant will transfer the supervisor to Yasmin Zughni, Associate Director, Benefits at 1-210-487-4100 who will determine if there is a need for a Fitness for Duty Evaluation
* If it is determined that the objective evidence suggests a mental health condition may be causing an employee’s unsatisfactory job performance or the employee poses a direct threat to him/herself or others, the EAP Management Consultant will determine if there is a need for a fitness for duty evaluation.

5.0 ASSOCIATE DIRECTOR, BENEFITS and/or EAP MANAGEMENT CONSULTANT/ FITNESS FOR DUTY VENDOR RESPONSIBILITIES

Depending on whether the assessment indicates a physical or mental health condition, the Associate Director, Benefits (for physical conditions) or the EAP Management Consultant (for mental conditions) is responsible for the following:

* Make a professional determination about requesting medical information or a Fitness for Duty Evaluation. This determination may be made after consultation with the treating physician, the employee, and any other appropriate resources, including Independent Health Care Providers. A Fitness for Duty evaluation will only be obtained with the concurrence of the Associate Director, Benefits or the EAP Management Consultant.
* Request a completed and signed “Authorization for Release of Medical Information” (for physical conditions) or “Authorization for use or Disclosure of Health Information” (for mental conditions).
* If necessary, schedule the employee to visit a health care provider, preferably in his/her local area, to submit to an evaluation to assist in the determination of fitness for duty.
* The Associate Director, Benefits or the EAP Management Consultant/ Fitness for Duty Vendor will provide feedback to the requesting manager regarding the status and outcome of the process, including any work restrictions, but not including medical information, such as the employee’s diagnoses.

# **EMPLOYEE RESPONSIBILITIES**

Employees are responsible for the following:

* Sign all releases necessary to complete the fitness for duty evaluation and attend and participate fully in all scheduled evaluations.
* Follow recommendations made by assessing health care provider.
* If not found to be fit for duty, report claim for consideration of disability benefits to the AT&T Integrated Disability Service Center.
* If found to be work capable, return to work.

1. **ACTIONS**

* If the employee is found not to be able to work, he/she may be eligible for sickness absence or disability benefits. The manager and the employee will follow the appropriate procedure for reporting the claim to the AT&T Integrated Disability Service Center for consideration of disability benefits.
* If the employee is found to be capable of working with temporary job restrictions, the case will be referred to the Job Accommodation Consultant through the AT&T Integrated Disability Service Center. If the employee requires permanent restrictions, the Job Accommodation Consultant will refer the employee to the AT&T Associate Director-Job Accommodations.
* If the employee is found to be able to perform his/her usual and customary job without restrictions, he/she will be expected to do so, and will be subject to disciplinary action for failing to meet performance standards.
* If the employee does not cooperate fully with the process, and that prevents AT&T from determining whether the employee needs accommodations, the employee will

be expected to perform his/her usual and customary job without restrictions and the

employee’s performance will be evaluated on that basis. In addition, an employee’s

failure to cooperate may also result in disciplinary action as determined by state law

and local practice.

1. **CONTACT(S) REGARDING POLICY MATTERS**

8.1 For any additional information regarding this policy, please contact Cindy Almanza at 310-964-4672 or your Employee Relations Manager.