

March 14, 2006

Ms. Cheryl Ivey, City Recorder
City of Caryville
P.O.B. 308
Caryville, Tennessee 37714

Re: Employee with Seizure Conditions

Dear Cheryl

The facts as presented to MTAS are a 36-year-old male police officer diagnosed with seizure conditions, has been off from work since October 30, 2005 and is under a physician's care. The employee did not qualify for workmen's compensation insurance and is not presently being paid by the city. The city is paying the employee's health insurance premiums. The physician has placed a six-month prohibition on the employee being able to drive a vehicle. The employee has indicated that the physician will allow him to return to work on May 1, 2006. The city is concerned about the employee being able to satisfactorily perform the essential functions of the job, and in particular, his ability to drive a vehicle.

While there may not be a written classification for the position of police officer, it is generally recognized that one of the basic requirements of a small city police officer's job is the ability to drive a vehicle, to respond to emergencies in a vehicle, and to patrol the city in a vehicle.

If the city has provided light duty for other officers, not driving in particular in the past, you may need to create a non-driving temporary job for this officer as well for a short period of time as approved by the physician.

MTAS recommends that the city specifically request the physician clarify the condition as to the employee's ability to drive and satisfactorily perform other generally accepted functions of a police officer's job. Some seizure conditions may be treatable with medications and the physician should clarify whether or not the condition can be treated with medications to the extent that the employee can satisfactorily perform the essential functions of the job.

If the city does not receive sufficient clarification, and is still concerned about the ability of the employee to perform the essential functions of the job, regardless of the absence of any personnel policies so permitting and because this is a police officer, the city should request a second opinion from another physician specializing in seizure conditions to be paid for by the city. We think that a physician or physicians should determine if the employee could satisfactorily perform the essential functions of the job.

Please call me if you have further questions.

Sincerely

Ron Darden
Municipal Management Consultant

Cc. MTAS Senior Legal Consultant Sid Hemsley