

# Augusta University

## Policy Library

### Fitness for Duty Policy

Policy Owner: University HR Services

#### POLICY STATEMENT

Augusta University is committed to maintaining a safe and productive workplace, and it therefore requires that every employee (faculty, staff, residents, student workers, and postdoctoral fellows) report to work fit to perform his or her job. For the purpose of this policy, fitness for duty refers to the readiness, competency and ability of an employee to perform the essential functions of the job he/she was hired to perform. Each employee is required to report to work in an emotional, mental and physical condition (including free of the effects of alcohol and drugs) necessary to perform his or her job in a safe and satisfactory manner. The policy describes the circumstances under which an employee may be referred to an independent, licensed health care evaluator for a fitness for duty evaluation.

Augusta University authorizes the leadership areas of the university that oversee patient care and research to develop and implement division or college level policies that serve as a supplement to this policy as necessary to ensure safe care, instruction related to care, and research. Such policies may apply to employees and students, and may also address the provision of clinical privileges to provide care and allow for clinical privileges to be suspended or withdrawn when the fitness of a provider is in question. This university policy is not intended to interfere with the requirements associated with clinical privileges.

#### AFFECTED STAKEHOLDERS

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Alumni       Faculty       Graduate Students       Health Professional Students  
 Staff       Undergraduate Students       Vendors/Contractors       Visitors  
 Other: Residents and Postdoctoral Fellows (staff)

#### DEFINITIONS

- **Employee:** for the purposes of this policy, the term “employee” refers to all Augusta University employees, i.e., faculty, staff, and medical and dental residents.
- **Fitness for Duty:** an evaluation performed by a licensed medical doctor to determine a person’s physical or behavioral ability to perform the specific duties outlined in his or her position description. This may include a comprehensive psychiatric evaluation which evaluates the behaviors present and in relation to physical, genetic, environmental, social, cognitive (thinking), and emotional parts that may be affected as a result of these behaviors.
- **Supervisor:** for staff, the person to whom they report; and for faculty, their Chair or Dean.

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**Office of Compliance and Enterprise Risk Management Use Only**

**Policy No.:** 3872

**Policy Sponsor:** Enterprise Vice President of Human Resources

**Originally Issued:** Not Set

**Last Revision:** 12/07/2017

**Last Review:** 01/03/2018

## **PROCESS & PROCEDURES**

This policy covers only those situations in which an employee is (1) having observable difficulty performing his/her duties in an effective manner that is safe for the employee and/or for his or her co-workers, and/or (2) posing a serious safety threat to self or others.

A fitness for duty evaluation is designed to address employee behavior that may pose a potential threat to self or others in the workplace. Application of this policy is not intended as a substitute for Augusta University policies or procedures related to chronic performance or behavioral problems or as a substitute for discipline. Supervisors shall continue to address performance or behavioral problems through the performance appraisal process and implement appropriate corrective or disciplinary action. In circumstances where an employee has engaged in misconduct or failed to perform his/her duties, disciplinary action up to and including discharge may be imposed notwithstanding a referral for a fitness for duty examination.

### **Employee Responsibilities:**

1. Employees are responsible for managing their health in a manner that allows them to safely perform their job duties.
2. Employees must come to work fit for duty and perform their job duties in a safe, secure, productive, and effective manner during the entire time they are scheduled to work.
3. Employees are responsible for notifying their supervisors when they are not fit for duty. The employee should use available leave to seek proper medical or other professional attention and give proper notice regarding their absence.
4. Employees are responsible for notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may not be fit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the next level of management up to senior leadership and/or contact the Director of Employee Relations, Associate Vice President for University HR Services, or Vice President of Human Resources.

### **Employer Responsibilities:**

1. Supervisors are responsible for observing the attendance, performance, and behavior of the employees they supervise.
2. Supervisors/managers are responsible for following this policy's procedures when presented with circumstances or knowledge that indicate an employee may be unfit for duty.
3. Confidentiality of circumstance and protected health information.

Grounds for seeking a fitness for duty evaluation may become evident from a supervisor's observations and/or receipt of a reliable report of an employee's possible lack of fitness for duty. Observations or employee self-report may include, but are not limited to difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent

behavior, suicidal or threatening statements, change in personal hygiene, and/or reasonable suspicion (via odor or observation) of drug or alcohol use.

Augusta University is required to comply with federal disability law (primarily the Americans with Disabilities Act of 1990 [ADA]). In general, the ADA prohibits: (1) employers from requiring an employee to submit to a medical examination; and (2) employer inquiries into whether an individual has a disability. However, the protections afforded to employees by the ADA are not without limits. Federal law permits Augusta University to require a medical examination of an employee if the requirement for the examination is job-related, consistent with business necessity, and if Augusta University has a reasonable belief that: (1) the employee's ability to perform essential job functions may be impaired by a medical condition; or (2) an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to medical condition.

## **PROCEDURES**

1. A supervisor who receives reliable information that an employee may be unfit for duty, or through personal observation believes an employee to be unfit for duty, will validate and document the information or observations.
2. The supervisor will present the information and/or observations to the employee at the earliest possible time in order to validate them, and will allow the employee to explain his or her actions, and/or to correct any mistakes of fact contained in the description of those actions. The supervisor will then contact Human Resources (Director of Employee Relations, Associate Vice President University HR Services, or Vice President of Human Resources) for guidance on how to proceed. In situations where there is a basis to think that a crime may have been committed and/or the employee is making threats to harm him- or herself or others, or is acting in a manner that is believed to immediately poses danger to him- or herself or others, the supervisor shall immediately contact Public Safety and/or take the employee to the emergency room at AU Medical Center or the closest emergency medical center and then contact Human Resources.
3. The supervisor will complete the Fitness for Duty Request Form which will include a behavioral or physical description of the circumstances leading to the request for evaluation, and a copy of the employee's position classification form. Based on the descriptions provided by the supervisor in the request form, Human Resources, the employee's department leadership, Legal Affairs, and Employee-Faculty Assistant Program administration will determine whether a fitness for duty evaluation is required. If one is required, the type of evaluation needed and the type of health care provider to perform the evaluation (medical doctor, employee assistance counselor, psychiatrist, etc.) must be determined.
4. The supervisor shall inform the employee of the request for the fitness for duty evaluation and discuss the observed behavior which indicates that the employee may be unfit for duty (a representative from Human Resources or designee must be present). This meeting will take place in a confidential setting and if a Human Resources representative is unable to be present, then another departmental management team member should act as a witness in the meeting. For reasons related

to workplace safety, the supervisor may prefer Public Safety to be present. If this is the case, please work with Human Resources to request their assistance.

5. In most cases, the University will be responsible for the cost of the fitness for duty evaluation. The employee will be responsible for all costs associated with any required follow-up evaluations or treatment. Such care may be covered by the employee's health plan which may limit the cost to the employee to out-of-pocket expenses (such as co-pay, and/or co-insurance). If a drug or alcohol screening is requested, the department will be responsible for the cost of this screening if processed through Employee Health. The employee will be responsible for all costs associated with any required follow-up evaluations or treatment.
6. If the employee refuses to follow through with a fitness for duty evaluation or drug/alcohol screening, the employee may be subject to corrective action up to and including termination of employment.
7. The employee is responsible for ensuring that Human Resources and their supervisor are kept informed regarding their status. This means that the employee must provide documentation from his or her health care provider regarding his or her status and ability to return to work and perform the work duties as outlined in the job description.
8. If an employee is deemed unfit for duty, the employee will not be returned to his/her job. The employee will be required to follow the guidance of their health care provider as it relates to treatment. If an employee is deemed fit for duty, the employee must first meet with his or her supervisor for a conference where expectations will be discussed and follow-up meetings may be scheduled as necessary until the re-entry into the work place is established. Please note, a second independent health care provider certification may be requested in some cases. The University will be responsible for the cost of the second independent provider's certification.
9. The employee is allowed to utilize accrued sick leave, annual leave, and unscheduled holidays to cover the time away from work related to the fitness for duty evaluation. Should the employee not have any accrued time or use all accrued time during this process, he or she will be placed on leave without pay. If eligible, the employee will be placed on leave under the Family and Medical Leave Act. Please note, in some cases the employee may be required to pay his or her portion of benefits to ensure the insurance does not lapse (mostly in cases where the employee is in leave without pay status).
10. The employee must comply with all aspects of the fitness for duty and evaluation procedures, including furnishing necessary consent and release forms to the health care provider. Non-compliance may be grounds for disciplinary action up to and including termination. Information will be requested regarding work restrictions that may be required upon the employee's return to work and the employee is responsible for following up with their health care provider to obtain the information requested.

Please note: Issues related to workplace injuries will fall under [Workers Compensation](#).

**REFERENCES & SUPPORTING DOCUMENTS**

Fitness for Duty Request Form (Attachment A)

Fitness for Duty Acknowledgement Form (Attachment B)

**RELATED POLICIES**

N/A

**APPROVED BY:**

President, Augusta University and CEO, AU Health System    Date: 01/03/2018