



HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL

Area: Employee Relations
Subject: Fitness for Duty
Applies To: All Faculty and Staff
Sources:

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Purpose

The purpose of this policy is to establish procedures by which the University will evaluate an employee's fitness for duty when an employee is:

- Having observable difficulty performing work duties in a manner that is safe for the employee, for the employee's coworkers, for the University, or for the public, as determined by the supervisor; or,
- Posing an imminent and serious safety threat to self or others.

Policy

Georgia Southern University is committed to providing a safe workplace for the benefit of the University community. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees to the University, or to the public. This policy provides a specific set of guidelines for supervisors when dealing with an employee who may be unfit for duty.

Definitions

Fit for duty means able to perform the duties of the job in a safe, secure, productive, and effective manner.

Health service provider is a doctor of medicine or osteopathy, dentist, podiatrist, clinical psychologist, optometrist, nurse practitioner, nurse midwife, or a licensed clinical social worker who is authorized to practice in the state of Georgia or in the state the person resides.

Supervisor means: for staff, the person to whom they report; and for faculty, their Chair or Dean.

Scope

This policy will apply to post-offer applicants for employment and employees of Georgia Southern University who appear to be unfit for duty, including, but not limited to, those individuals who appear to be under the influence of drugs and/or alcohol, or exhibit unusual behavior in the

workplace, which may inhibit or prohibit them from performing their job and/or pose a risk to the health and safety of him/herself, visitors, and/or co-workers.

Employee Responsibilities

1. Employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities.
2. Employees must come to work fit for duty and must perform their job responsibilities in a safe, secure, productive, and effective manner during the entire time they are working.
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 this 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 upper level manager or the Chief Human Resources Officer, and/or Human Resources Leave Administrator.

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 that an employee may be unfit for duty.
3. Confidentiality of circumstance and medical records.

Procedures

1. **Reasons for referral for Fitness for Duty Evaluation** – 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 as soon as is practical. Actions that may trigger the need to evaluate an employee's fitness for duty include, but are not limited to, problems with dexterity, coordination, concentration, memory, alertness, vision, speech, appearance of being under the influence of drugs or alcohol, inappropriate interactions with coworkers, supervisors or visitors, inappropriate reactions to criticism, or suicidal or threatening statements.
2. The supervisor will present the information 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, or to correct any mistakes of fact contained in the description of those actions. The supervisor will then determine whether the employee should leave the workplace immediately for safety reasons.

3. 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 immediately dangerous to him- or herself or others, the supervisor shall contact Public Safety.
4. In all other circumstances, the supervisor shall take appropriate action by contacting the Human Resources Leave Administrator at 478-1538 or the Chief Human Resources Officer at 478-5171. The Human Resources' Leave Administrator should also be consulted to aid in determining the type of leave to be used pending a complete assessment of the situation.
5. Human Resources will provide the Supervisor's Fitness for Duty Request Form (see link below) for the supervisor to complete and fax back to Human Resources at 478-3025. This form will include a behavioral description of the circumstances leading to the request for evaluation, and a list of the employee's relevant duties.

Based on the descriptions provided by the supervisor, Human Resources will determine whether a fitness for duty evaluation is required and, if so, the type of evaluation needed and the type of health service provider to make the evaluation (medical doctor, Employee Assistance Counselor, psychiatrist, etc.) Due to HIPAA (Health Insurance Portability and Accountability Act), Human Resources will facilitate communication with the health service provider by faxing the Supervisor's Fitness for Duty Request Form directly to the provider.

6. In most cases, the employee will be responsible for the cost of the fitness for duty evaluation not covered by the employee's health plan (co-pay, and/or co-insurance).
7. **Approaching the Employee** – The supervisor shall inform the employee of the request for the fitness for duty evaluation. The supervisor should approach the employee in a confidential setting (with a witness whenever possible) and discuss the observed behavior which indicates that the employee might be unfit for duty. For reasons of workplace safety, the supervisor may contact Public Safety to be present.

The supervisor is to explain to the employee that he/she is being sent home unfit for duty and will be notified by Human Resources as to next steps in terms of returning to work. It is highly advisable that a Human Resources representative be present at this meeting to facilitate the process. The employee's supervisor or the Human Resources' representative will assist the employee in making arrangements for safe transportation home (e.g., Public Safety, call a relative or friend, arrange for a taxi, etc.) if necessary. The employee is not to return to work until released by the health care provider.

8. If the employee refuses to follow through with a Fitness for Duty evaluation, the employee may be subject to corrective action up to and including termination of employment.
9. In order for Human Resources to follow up with the employee's specific health provider, a Health Care Provider Release Form must, when possible, be completed by the employee. This form will indicate the employee's family doctor's name and address. The employee's signature will also allow the Human Resources Leave Administrator the opportunity to consult with the health care provider for a maximum of one (1) year, if necessary.

10. **Physician's Certification** – The employee's medical physician will conduct the Fitness for Duty evaluation after obtaining written informed consent from the employee, which will include testing for drugs and/or alcohol (for all fitness for duty evaluations). The fitness for duty evaluation will include a history, physical, urine drug test, EAP/psychiatric evaluation (if warranted) and any additional testing determined to be necessary.

If an underlying medical condition is identified, the employee may be asked to provide medical records and/or a letter from his/her treating physician. If medical records and/or a letter are requested, receipt and review of the records or letter are required prior to release to full duty.

If the employee refuses to participate cooperatively in the process or fails to obtain medical records or a physician's letter when requested, the physician's office will notify Human Resource and corrective action, up to and including termination, may be taken.

11. **Referral to Employee Assistance Program (EAP)** – The medical physician may recommend to Human Resources that the employee may be better assisted via the University's EAP.
12. **Final Determination** – Based on information provided by the health service provider, Human Resources will advise the supervisor whether the employee should return to work and, if so, the conditions of return, including whether the employee must attend a reentry conference with the supervisor, and whether follow-up meetings are necessary. If the employee is unfit for duty, the employee will not be released to return to his/her job.

The final decision on whether a provider's certification will be accepted lies with the employee's departmental management and Human Resources. A second independent health service provider certification may be requested in some cases. The University will be responsible for the cost of the second independent provider's certification.

13. 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. Noncompliance may be grounds for disciplinary action up to and including termination. Information will be requested from the health service provider regarding work restrictions that may be required upon the employee's return to work.

14. Application of this policy is not intended as a substitute for other University policies or procedures related to performance; nor is it intended as a substitute for discipline. Situations involving violations of University policies or practices may result in disciplinary action being taken.

For Assistance: Questions regarding fitness for duty should be directed to Human Resources' Leave Administrator at 912-478-1538.

Form:

Fitness for Duty