

CORPORATE POLICY

SUBJECT: Fitness for Duty

CATEGORY: Human Resources

ORIGINAL DATE: March 27, 2019

REVIEWED DATE:

REVISION DATE:

I. POLICY:

The Lake County Health Department and Community Health Center (LCHD/CHC) is committed to promoting a safe and healthy environment for our employees, patients, and visitors. Such an environment is possible only when each employee is able to perform his/her job duties in a safe, secure, and effective manner throughout the entire time he/she is working. An employee is expected to perform essential job functions in a safe and effective manner, and to discuss with his/her supervisor any circumstances that may impact his/her ability to do so. The LCHD/CHC may require a Fitness for Duty evaluation under circumstances indicating a reasonable belief that: (1) an employee's ability to perform essential job functions is impaired by a medical condition; or (2) an employee will pose a direct threat due to a medical condition.

A Fitness for Duty evaluation is a professional evaluation of an employee's physical, emotional or mental capacities to determine his/her ability to perform essential job functions. Such evaluations are conducted by an independent, licensed health care professional and are undertaken only after a thorough review of the evaluation request by the Director of Human Resources or designee. The employee is not responsible for the expense incurred for undergoing an evaluation. A Fitness for Duty evaluation is not required for employees with short-term, infectious/communicable diseases (e.g., flu, colds). Per the LCHD/CHC Sick Leave policy, the immediate supervisor may direct an employee who appears ill to use sick leave time or unpaid leave time to leave work to protect the health of other employees.

An employee referred for an evaluation may be prohibited from appearing for work pending the completion of the evaluation and approval for return to work. The employee may be placed on paid administrative leave pending the completion of the assessment and release to return to work. During this time, applicable leave policies shall apply.

A fitness for duty evaluation may result in treatment recommendations. An employee must comply with all treatment recommendations resulting from a fitness for duty evaluation to be allowed to return to work. Application of this policy is not intended as a substitute for the LCHD/CHC Standards of Conduct, Discipline or Drug Free Workplace policies or relevant procedures related to chronic performance or behavioral problems. Supervisors shall continue to address performance or behavioral problems through the performance appraisal process and to implement appropriate corrective or disciplinary action.

Definitions:

Fitness for Duty (FFD) - Possessing the physical, emotional and mental capacities to safely and effectively perform the essential functions of an employee's job, with or without reasonable accommodation, in a manner that does not present a direct threat of harm to self or others. Fitness for duty includes, but is not limited to, being free of

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alcohol- or drug-induced (whether or not legitimately prescribed) impairment that affects job functioning.

Fitness for Duty Evaluation - A professional assessment of an employee's physical, emotional or mental capacities that is carried out by an independent, licensed health care provider with expertise to determine if an employee is or is not capable of safely and effectively performing his/her essential job functions.

Fitness for Duty Referral - The informal act of notifying the Director of Human Resources about employee behavior that suggests the need for a Fitness for Duty Evaluation. A referral in the form of an email from the supervisor or program's Director would be sufficient.

II. SCOPE:

All LCHD/CHC employees, consultants, interns, volunteers and others who act on behalf of the LCHD/CHC.

III. PROCEDURE:

- A. Upon receipt of a fitness for duty referral, the Director of Human Resources or designee will consult with the employee's supervisor to gain a clear understanding of the behaviors/circumstances that have raised questions about the employee's fitness for duty. Human Resources shall also notify the employee and give the employee the opportunity to provide any relevant medical information. The Director of Human Resources will complete a thorough review of all relevant information gathered and determine the appropriateness of fitness for duty testing within a reasonable time, usually within three business days.
- B. The employee may be prohibited from working until completion of the fitness for duty evaluation and approval to return to work. The Director of Human Resources shall determine whether to allow the employee to work off-site or to represent the LCHD/CHC in any work-related capacity.
- C. Results of the evaluation will be received by the Director of Human Resources and shall be kept confidential to the extent allowed by law. The Director of Human Resources or designee will communicate the results to the employee, the employee's supervisor and the employee's Director.
- D. The information given to the employee's supervisor and Director shall be limited to whether the employee may:
 1. Return to full duty;
 2. Return to conditional limited duty; or
 3. Not return to full duty.
 4. If the evaluation results in either 2 or 3 above, the employee will be referred to Human Resources.
- E. If the employee requests the need for an accommodation due to a qualifying disability, the Director of Human Resources or designee will engage in the interactive process with the employee in accordance with the ADAAA to determine if any reasonable accommodation can be made to allow the employee to safely perform the essential functions.

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- F. Under the Health Insurance Portability and Accountability Act (HIPAA), any protected health information about an employee must be regarded as confidential. Records of fitness for duty evaluations shall be treated as confidential medical records and maintained by the Human Resources. This information may be shared only on a "need to know" basis. Employees may obtain a copy of the medical report from the provider upon written request.
- G. An employee is responsible for:
 - 1. Performing his/her job responsibilities in a safe and effective manner, with or without reasonable accommodations, during the entire time at work;
 - 2. Notifying the supervisor when not fit for duty;
 - 3. Notifying the supervisor when a coworker is observed acting in a manner that indicates the coworker may not be fit for duty;
 - 4. Consulting Human Resources if a supervisor's behavior is the focus of concern;
 - 5. Providing relevant medical and psychological information to Human Resources when necessary; and
 - 6. Complying with this policy and any authorized request to submit to an evaluation.
- H. A Supervisor is responsible for:
 - 1. Observing and documenting the attendance, performance, and behavior of the employees under his/her supervision;
 - 2. Notifying the appropriate Director or the Director of Human Resources when an employee is exhibiting behavior that suggests he/she may not be fit for duty;
 - 3. Arranging transportation for the employee from the work site to home if necessary;
 - 4. Providing relevant information to assist with the process;
 - 5. Maintaining the confidentiality of an employee's protected health information if shared by the employee;
 - 6. Notifying Human Resources of any requests for accommodations received from the employee; and
 - 7. Implementing any reasonable accommodation deemed necessary.
- I. Human Resources is responsible for:
 - 1. Ensuring that the appropriate Director has been consulted;
 - 2. Soliciting information from the supervisor regarding employee behaviors or performance, and from the employee regarding any relevant previous medical or psychological treatment information;
 - 3. Identifying who will conduct the fitness for duty evaluation;
 - 4. Receiving the results of the fitness for duty evaluation and ensuring that the results have been communicated to the employee;
 - 5. Implementing any recommendations proposed by the fitness for duty evaluation;
 - 6. Engage in the interactive process in accordance with the ADAAA, as appropriate;
 - 7. Communicating with the employee as to his/her rights, responsibilities and employment status; and
 - 8. Maintaining confidentiality except as detailed in paragraph F above.

IV. REFERENCES:

Medical Attention as Hours of Work

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V. AUTHORS/REVIEWERS:

Designated Review Team, Corporate Policy and Procedure Committee, Executive Team, and Lake County Board of Health Personnel Committee.

VI. APPROVALS:

Lake County Board of Health President

Signature: _____ Date: _____