THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	Human Resources	**Number:**	201.15
		Revised:	12/30/04
SUBJECT:	Fitness for Duty	**Date Issued:**	
		Review Date:	12/30/08
APPLIES TO:	All Employees	**Attachment(s)**	0
ISSUED BY:	Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs		

I. POLICY

The University endeavors to provide a safe work place for the benefit of all members of the University community. This policy covers only those situations in which an employee is having observable difficulty performing his/her work duties in a manner that is safe for the employee and/or for his or her co-workers, or is posing an imminent and serious safety threat to self or others. This policy proscribes the circumstances under which an employee may be referred for a fitness for duty evaluation. The purposes of this fitness for duty policy are:

A. To help assure the safety and health of individuals in the University community or others with whom they have contact.

B. To establish procedures by which the University can evaluate an employee's ability to safely and competently perform her/his duties when a health or safety problem arises.

C. To comply with the 1988 Federal Drug Free Workplace Act.

II. DEFINITIONS

A. "Employee" – employee for purposes of this policy means all faculty and staff employed by the University in any capacity, whether full or part-time or temporary or regular status.

B. "On Call Employees" – Staff members who are required to restrict their whereabouts and activities in order to be available for consultation or return to work to meet emergencies. (see SPG 201.36).

C. "Fitness For Duty" – The employee is physically and mentally capable of safely performing the essential functions of his/her job.

D. "Coordinating Party"- This is the appropriate party/office (based on the specific situation) responsible for coordinating and facilitating the fitness for duty evaluation. The coordinating party could be, but is not limited to, Work~Connections, or the employee assistance service program(s). The responsibilities of the coordinating party are to:

- Identify who will conduct the fitness for duty evaluation
- Receive the results of the fitness for duty evaluation
- Share information about the results only as detailed in Section III, O: Confidentiality/Privacy."
- Coordinate payment by the University for the fitness for duty evaluation.

III. REGULATIONS

A. Employees are responsible for managing their health in such a way that they can safely perform their essential job functions, with or without reasonable accommodation.

B. Employees who have the responsibility for on-call shifts must remain in a fit condition for the entire on-call period.

C. Supervisors may refer employees for a fitness for duty evaluation if they follow the adopted procedures.

D. The determination by a supervisor to refer an employee for a fitness for duty evaluation must involve consultation with a Human Resource representative unless the nature of the situation dictates immediate attention.

E. Application of this policy is not intended as a substitute for other University policies or procedures related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct, disciplinary action may occur.

F. The University will pay the cost of fitness for duty evaluations.

G. An impartial, independent health care evaluator with appropriate expertise (which will include one or more of the following: medical, psychological, alcohol, or other drug conditions) will conduct a fitness for duty evaluation.

H. The University will make the final determination of an employee's fitness for duty status.

I. An employee referred for a fitness for duty evaluation will be relieved of duties pending completion of the evaluation.

J. When an employee is found to be unfit for duty, his/her employment status will be determined on a case-by-case basis, in accordance with University policy and practice.

K. An employee's pay status while fitness for duty is being determined will be dependent on his/her employment status and the facts of the case.

L. In all cases, the University must receive a "return to work/fitness for duty form" from the independent evaluator ~~in~~ before an employee may return to work.

M. In most cases, a re-entry conference with the supervisor and a Human Resources representative (if appropriate) will occur prior to the employee's return to work.

N. Non-compliance with a request for a fitness for duty evaluation may constitute insubordination and be cause if disciplinary action is warranted.

O. Confidentiality/Privacy

1. Records of fitness for duty evaluations will be treated as confidential medical records and be kept separate from existing department and personnel files; this information can be shared only on a strict "need to know" basis.

2. After an evaluation, information available to the employee's work unit will be limited to:

    - Whether a person is fit to resume his/her job duties
    - Whether a person is a direct threat to self or others
    - Whether a person needs specific reasonable accommodations

IV. RESOURCES

Resources that are available to provide assistance about dealing with individual fitness concerns include:

A. Work Connections www.umich.edu/~connect/

B. Faculty and Staff Assistance Program www.umich.edu/~fasap

C. M-Works EAP www.med.umich.edu/mworks/eap/

D. Appropriate Human Resources Office

For current procedures and forms on "Fitness for Duty" please consult one of the three resources cited above.

Procedures: http://www.umich.edu/~hraa/procedures/spg201-15.htm