

## Fitness for Duty

201.15

### 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/](http://www.umich.edu/~connect/)
- B. Faculty and Staff Assistance Program [www.umich.edu/~fasap](http://www.umich.edu/~fasap)
- C. M-Works EAP [www.med.umich.edu/mworks/eap/](http://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: <https://hr.umich.edu/working-u-m/my-employment/uhr-procedures/20115-fitness-duty>

SPG number: 201.15	Applies to: All employees	Related policies: <a href="#">On-Call Pay</a>
Date issued: December 30, 2004	Owner: University Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs	Related links: <a href="#">Work Connections</a> <a href="#">Faculty and Staff Assistance Program</a> <a href="#">M-Works EAP</a>
Last updated: December 30, 2004		
Next review date: December 30, 2008	Primary Contact: University Human Resources and the Office of the Provost and Executive Vice President for Academic Affairs	

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SPG website ([spg.umich.edu](http://spg.umich.edu)) for the official, most recent version.