



## Human Resources

### MEDICAL CENTER HUMAN RESOURCES POLICY NO. 702

- A. SUBJECT: Fitness for Duty
- B. EFFECTIVE DATE: July 1, 2013 (R)
- C. POLICY:

The Medical Center strives to support a healthy and safe environment for its patients, visitors and employees. To promote this goal, Medical Center employees shall not be allowed to work unless they maintain a Fitness for Duty required for the safe performance of their essential job functions. Each employee is required to report to work in an alcohol and drug-free mental and physical condition in order to perform the assigned job in a satisfactory manner. No employee may unlawfully manufacture, distribute, dispense, use, possess, sell, or be under the influence of alcohol, illegal drugs or any medications that impair performance while on Medical Center premises and while conducting business-related activities off Medical Center premises.

This policy outlines the responsibilities for action when an employee's Fitness for Duty is in question, the steps to be taken to assess such fitness, the necessary follow-up, and the steps to be taken before an employee can return to duty. This policy does not apply to situations in which an employee has an infectious/communicable disease that is short term rather than chronic, e.g. flu, colds. If an employee is found to have an infectious/communicable disease, he/she will be evaluated for a limited number of infectious processes and/or referred to his/her medical provider for further evaluation. If indicated, the employee will be placed off duty until cleared to return to work by Employee Health. ([See Medical Center Policy No. 0091 "Infection Prevention and Control"](#))

This policy applies to all employees of the Medical Center in any capacity, whether full-time, part-time, Medical Center Pool, Unit-Based Pool, flex or temporary status, or management. Credentialed Allied Health Professionals ("AHP") are governed by this policy, the Clinical Staff Bylaws, and the AHP Manual and shall be managed through the process specified in the Bylaws and AHP Manual. The AHP's clinical privileges may be suspended immediately for the following: refusal to undergo an evaluation, failure or refusal to stop practice after a recommendation has been made for treatment, refusal to comply with treatment recommendations, or non-compliance with required monitoring.

#### D. DEFINITIONS

1. Fit for Duty; Fitness for Duty – The employee is physically and mentally capable of safely performing the functions of his/her job. Fitness for Duty includes being free of alcohol and drugs that have not been legitimately prescribed and being free from impairment that affects job functioning due to use of prescription or nonprescription drugs, and/or medical or emotional problems while on Medical Center or institutional business.

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2. Coordinating Party – The appropriate party/office (based on the specific situation) responsible for coordinating and facilitating the Fitness for Duty evaluation. The Coordinating Party will be from Human Resources Employee Relations, Employee Health or the Faculty and Employee Assistance Program (FEAP).
3. Credentialed Allied Health Professionals - Optometrists, audiologists, substance abuse counselors, professional counselors, clinical social workers, nurse practitioners, physician assistants and certified registered nurse anesthetists who have been granted clinical privileges to provide care and treatment to patients of the UVA Medical Center.

#### E. PROCEDURE

1. The following applies when addressing concerns with employees whose performance and/or behavior brings into question their fitness for duty, necessary follow up, and return to duty.
  - a. Employees must comply with all aspects of the Fitness for Duty evaluation (which may include drug and alcohol testing) or be subject to disciplinary action, up to and including termination. Employees must also comply with all treatment recommendations resulting from a Fitness for Duty evaluation in order to be released to return to work.
  - b. The employee's work performance is the basis for continued employment. Participation in a treatment or rehabilitation program does not guarantee continued employment and will not necessarily prevent disciplinary action for violation of Medical Center policies.
  - c. Employees taking prescription medications or over-the-counter medications that impair their ability to work safely are subject to the conditions of this policy.
  - d. Employees who have the responsibility for on-call shifts must meet the Fitness for Duty standard during the entire on-call period.
2. When there is concern that the employee is not Fit for Duty, the employee's supervisor, or the administrative representative on duty, must complete the [Initial Observation Report Form](#) (see copy at the end of this policy) and follow the recommended steps outlined below:
  - a. Note observations; check all behavioral examples that apply and complete the form in its entirety.
  - b. Obtain a witness for a private interaction with the employee, if possible.
  - c. Consult with a representative of Human Resources Employee Relations and follow the recommendations made. After hours consultation may be made by contacting a FEAP at 924-0000. Discuss any concerns about safety and ensure a plan is in place to provide support for the employee.
  - d. Meet with the employee and perform the following actions:
    - Remove the employee from direct job duties and inform the employee that he/she is relieved from duty at this time.

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- In private, state your concerns for the safety and well being of the employee and/or patient.
  - Ask the employee to explain any signs of possible impairment and document his/her response on the Initial Observation Report form.
  - The employee will be provided a copy of the observation form.
- e. Arrange for removal of the employee from the worksite. Employees who are required to go to FEAP or Employee Health must be escorted by the employee's supervisor, or designee, to the destination, and must remain for disposition. The employee must be informed that failure to comply with this directive shall result in suspension and disciplinary action.
- f. Identify means for transporting the employee safely home. Should the employee become uncooperative, contact Security or University Police as appropriate.
3. The results of Fitness for Duty evaluations performed by qualified, licensed health care professionals shall be presumed to be valid. Results of the evaluation will be received by FEAP or Employee Health as appropriate. The employee shall be notified of the results of the evaluation by the evaluator and/or FEAP or Employee Health. Only necessary information shall be shared with the Coordinating Party.

After an evaluation, information given to the employee's supervisor and respective dean or vice president shall be limited to whether the employee may:

- return to full duty;
  - not return to full duty, in which case the employee will be referred to Human Resources for a benefits discussion; or
  - return to modified duty that meets the evaluator's recommendations.
4. Continued employment will be contingent upon compliance with conditions established by FEAP and Human Resources such as periodic testing, participation in professional counseling and treatment programs, re-assignment of duties for a specific period of time and/or continued performance of specified functions under more immediate supervision. Failure to comply may result in disciplinary action up to and including possible termination from employment. If Employee Health is the Coordinating Party, the Medical Director of Employee Health, or designee, must medically release the employee prior to any return to work.
5. Acts or Threats of Violence and the Threat Assessment Team:  
The University has established a Threat Assessment Team ("TAT") with responsibility for implementing the University's assessment, intervention and action protocol in cases suggesting a potential risk of violence. All acts of violence, threats of violence or other seriously disruptive behaviors must be reported immediately to University Police and/or to the TAT.
6. Confidentiality/Privacy of Fitness for Duty Evaluations:  
Under the Health Insurance Portability and Accountability Act (HIPAA), any document containing medical information about an employee is considered a medical record and is regarded as confidential. Records of fitness for duty evaluations shall be treated as confidential medical records and maintained by FEAP or Employee Health, as appropriate. This information may be shared only when necessary to support treatment, business operations, and upon the execution of appropriate release by the individual employee or as otherwise permitted or required by law.

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Employees may obtain a copy of the medical report upon written request to FEAP or Employee Health.

7. Responsibilities:

a. An employee is responsible for:

- Coming to work Fit for Duty and performing job responsibilities in a safe, secure, productive, and effective manner during the entire time at work;
- Notifying the supervisor when not Fit for Duty;
- Notifying the supervisor when a coworker is observed acting in a manner that indicates the coworker may not be Fit for Duty;
- Informing the upper level manager or calling the Human Resources Customer Service Center (243-3344) for further guidance, if the supervisor's behavior is the focus of concern. Threats or acts of violence should be reported immediately to the University Police Department by calling 911;
- Complying with this policy including, but not limited to, requests to submit to an evaluation.

b. A supervisor is responsible for:

- Observing the attendance, performance, and behavior of the employees under his/her supervision;
- Notifying Medical Center Human Resources Employee Relations, and/or FEAP, when an employee is exhibiting behavior that suggests he/she may not be Fit for Duty;
- Following this policy's procedures for completing an [Initial Observation Report](#) form when presented with circumstances or knowledge that indicate that an employee may be unfit for duty;
- In consultation with Employee Relations and/or FEAP, arranging for the employee to be removed or escorted from the worksite if the employee is deemed unfit for duty (unless he/she poses an immediate safety threat in which case the supervisor should call 911) and calling the employee's emergency contact or a taxi service to transport the employee home. The supervisor or other staff members should not personally drive the employee home.
- Maintaining the confidentiality of an employee's medical record. (See Section E.6 above)

c. The *Coordinating Party*, or a member of, is responsible for:

- Soliciting information from the supervisor regarding employee behaviors or performance, and from the employee regarding any relevant previous medical or psychological treatment information;
- Identifying who will conduct the fitness for duty evaluation;
- Receiving the results of the fitness for duty evaluation;
- Communicating the results to the employee if not done so by the evaluator;
- Maintaining confidentiality except as detailed in the Confidentiality/ Privacy section above;

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- Coordinating payment by the employee's department for the fitness for duty evaluation;
- Implementing any recommendations proposed by the FFD evaluation;
- Discussing recommendations and subsequent accommodations with the supervisor; and
- Communicating with the employee as to their rights, responsibilities and employment status.

SIGNATURE:



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R. Edward Howell, CEO, UVA Medical Center

6/20/13

DATE:

Medical Center Human Resources Policy No.0702 (R)

Approved October 1998

Revised March 2007, December 2008, December 2010, June 2013

Approved by Chief Human Resources Officer

Approved by Medical Center Administration

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**EMPLOYEE FITNESS FOR DUTY  
INITIAL OBSERVATION REPORT**

Employee Name: \_\_\_\_\_ ID #: \_\_\_\_\_ Job Title: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

**OBSERVATIONS: (Check all that apply)**

**BEHAVIOR**

- Stumbling, unsteady gait
- Drowsy, sleepy, lethargic
- Agitated, anxious, restless
- Irritable, moody
- Erratic behavior, Hostile, belligerent
- Angry, shouting
- Depressed, withdrawn
- Unresponsive
- Clumsy, uncoordinated
- Tremors, shakes
- Flu-like symptoms
- Suspicious, paranoid
- Hyperactive, fidgety, distracted
- Inappropriate, uninhibited behavior
- Memory loss/confusion
- Threatening to harm self or others
- Unexplained disappearance from work
- Lapses in concentration
- .Other \_\_\_\_\_

**APPEARANCE**

- Flushed complexion
- Sweating
- Cold, clammy, sweats
- Bloodshot eyes
- Tearing, watery eyes
- Dilated (large) pupils
- Constricted (pinpoint) pupils
- Unfocused, blank stare
- Disheveled clothing
- Distinct smell \_\_\_\_\_

**SPEECH**

- Slurred, thick
- Incoherent
- Exaggerated enunciation
- Loud, boisterous
- Rapid, pressured
- Excessively talkative
- Nonsensical, silly
- Cursing, inappropriate speech

**Document other observations related to Fitness for Duty:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Ask employee to explain observed behavior. Document the employee's response:**

\_\_\_\_\_

\_\_\_\_\_

**Check all that apply:**

- Relieved employee from duty
- Removed from worksite
- Confirmed safe transportation plan
- Informed employee of responsibilities

\_\_\_\_\_  
Supervisor's Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date