

# Stark County Board of Developmental Disabilities

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## FITNESS FOR DUTY

### POLICY

It is the Stark County Board of Developmental Disabilities' desire to provide a drug-free, healthy and safe workplace. To achieve this goal, employees are required to report to work fit for duty. Further, each job of the Board has an approved position description that outlines the essential duties of the job that is to be performed.

If an employee is observed by management to be possibly unfit for duty, they will be placed on paid administrative leave until further assessment or testing can be obtained and/or an Employee Assistance Program (EAP) referral is made. Fit for duty testing establishes whether employees are physically, mentally, and emotionally well enough for duty. Emergency medical care will be immediately obtained whenever there is a question of acute illness or impairment that threatens the safety of the employee or others.

A fitness for duty evaluation, if required by the agency, will be referred to and conducted by an independent, licensed health care practitioner chosen by the agency. The independent Medical Evaluator will not be the treating physician of the employee. The Board is responsible for paying the cost of the fitness for duty evaluation as well as notifying the employee in writing of the location, date, and time of the fitness for duty evaluation, which the employee is required to attend

The legal use of prescribed drugs or use of over-the-counter medications are permitted on the job to the extent they do not impair an employee's ability to perform the essential functions of the job effectively and safely. Any employee, who is using a prescribed medication that might impair their ability to perform his or her job, or might create a safety hazard, should discuss the matter with his or her supervisor, or with a representative of the Human Resources Department. If it is determined through the fit for duty assessment, that the individual is unable to perform the essential functions of his or her job, without impairment caused by the medication or the underlying condition, the employee will be directed not to work. Employees will use their available leave options until they are fully able to perform the essential functions of their job. Employees with medical conditions are urged to work collaboratively with the Human Resources Department to consider all reasonable accommodation options in order to continue to work.

The Stark County Board of Developmental Disabilities provides EAP consultation services and strongly encourages employees to use these resources for help with alcohol or drug related problems and other personal concerns.

The Superintendent shall develop procedures to implement this policy.

<b>Historical Resolution Information</b>	<b>Reviewer(s):</b>
<b>Date</b> <b>Resolution Number</b>	Superintendent
1/24/17      01-04-17	Director of Human Resources
4/28/20      04-22-20	
5/23/23      05-19-23	

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## **FITNESS FOR DUTY**

### PROCEDURE

#### **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.
4. Employees are responsible for notifying a supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the upper level manager or may call the Department of Human Resources.

#### **Agency 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. Any document containing medical information about an employee is considered a medical record and is regarded as confidential. The Department of Human Resources will maintain medical records in a file separate from all other employee records.
4. The Americans with Disabilities Act and the ADA Amendments Act prohibits discrimination with regards to employment. As such, it will be taken into consideration by the agency when working with individual Fitness for Duty matters.

#### **Fit for Duty Follow-up**

1. The 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 possible. 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, lifting difficulties, inappropriate interactions with coworkers or supervisors, 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

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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 to then pursue a fitness for duty examination.

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 himself or herself or others, or is acting in a manner that is immediately dangerous to himself or herself or others, the supervisor or employee shall contact 911 and notify a supervisor when it is possible. The Department of Human Resources should be consulted regarding the fitness for duty procedure after the immediate safety issue has been addressed.
4. In all other circumstances the supervisor shall take appropriate action, including contacting the Department of Human Resources during the 8:00 a.m. to 5:00 p.m. workday, as soon as possible after he or she receives reports and validates or personally observes an employee's unfit behavior. (For situations arising outside the 8:00 a.m. to 5:00 p.m. workday, the supervisor/manager will make a determination of whether the employee should leave the workplace immediately for safety reasons. The Department of Human Resources should then be contacted at the beginning of the next business day.)
5. Based on the descriptions provided by the supervisor, the Department of Human Resources will determine whether a fitness for duty evaluation is required and, will make a referral to Aultworks.
6. The employee will be placed on paid administrative leave until a fitness for duty examination is completed and the results have been presented to the employee and the Board. If the employee is found to be unfit for duty, the employee will then be required to use their leave time.
7. Based on the fitness for duty examination that is coordinated by, the Department of Human Resources will advise the supervisor of the results of the examination and 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. The final decision on whether a provider's certification will be accepted lies with the employee's ability to perform the essential functions of the job. A second independent health service provider certification may be requested in some cases.
8. 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 service 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.
9. Application of this policy is not intended as a substitute for other Board policies or procedures related to performance, nor is it intended as a substitute for discipline. Situations involving violations of Board policies or practices may result in disciplinary action being taken.