The University of Texas at Dallas is committed to providing a safe workplace for the benefit of the University community. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to the University, or to the public.

Rationale

The purpose of this policy is to establish the procedures by which the University evaluates an employee’s fitness for duty when an employee is:

1. Having observable difficulty performing work duties in a manner that is safe for the employee, for the employee’s coworkers, for the University, or for the public, as determined by the supervisor; or  
2. Posing an imminent and serious safety threat to self or others.

Scope

This policy applies to all University staff. A separate policy applies to faculty.

Definitions

Fit for duty means able to perform the duties of the job in a safe, secure, productive, and effective manner as determined by the supervisor.

Health service provider is a doctor of medicine or osteopathy, dentist, podiatrist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a licensed clinical social worker that is authorized to practice in the state of Texas or in the state the employee resides for employees who reside outside the state of Texas.

Supervisor means the person to whom the employee reports.

Employee Responsibilities

Employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities.
Employees must report 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.

Employees are responsible for notifying their supervisors when they are not fit for duty.

Employees are responsible for notifying the 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 Human Resources Management (HRM) for additional guidance.

**Employer Responsibilities**

Supervisors are responsible for observing the attendance, performance, and behavior of the employees they supervise.

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.

Confidentiality of medical records: Any document containing medical information about an employee is considered a medical record and is regarded as confidential. If a department has any medical information about an employee, that information should be maintained in a file separate from all other employee records.

**Procedures**

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 is practicable. 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, inappropriate interactions with coworkers or supervisors, inappropriate reactions to criticism, or suicidal or threatening statements.

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 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.

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 must contact The University of Texas at Dallas Police Department. Contact HRM regarding the fitness for duty procedure after the immediate safety issue has been addressed.

In all other circumstances the supervisor shall take appropriate action, including contacting HRM, as soon as possible after he or she receives reports and validates or personally
observes an employee’s unfit behavior. After regular business hours the supervisor should determine whether the employee should be sent home and then the supervisor should arrange to contact HRM the next business day.

Based on the descriptions provided by the supervisor, HRM will assist the supervisor in determining whether a fitness for duty evaluation is required and, if so, the type of evaluation needed and the type of health service provider to make the evaluation. HRM will then provide a form to the supervisor containing that information, and the supervisor will convey the form to the employee. HRM will assist in determining the type of leave to be used pending a complete assessment of the situation.

HRM will provide a form for the designated health service provider to complete to certify whether the employee is fit to return to work. The form will include a behavioral description of the circumstances leading to the request for evaluation, and a list of the employee’s relevant duties. HRM may communicate with the health service provider as necessary.

In most cases, the employee will be responsible for the cost of the fitness for duty evaluation, if not covered by the employee’s health plan.

Based on information provided by the health service provider, HRM will advise the supervisor 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 and HRM, and whether additional follow-up meetings are necessary. The final decision on whether a provider’s certification will be accepted lies with the employee’s departmental management. A second independent health service provider certification may be requested in some cases. The University will be responsible for the cost of the second independent provider’s certification.

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.

Application of this policy is not intended as a substitute for other University policies or procedures related to performance; nor is it intended as a substitute for discipline. Situations involving violations of University policies or practices may result in disciplinary action being taken.

For Assistance: Questions regarding fitness for duty should be directed to Human Resources Management.

Policy History

• Issued: 2010-06-14