

	<b>Fitness for Duty Evaluation</b>
<b>Adopted Date: 03/11/2020</b>	<b>Policy No. 4.314</b>
<b>Enabling Resolution: 049-2020/901-2020</b>	<b>Developer/Reviewer: Human Resources</b>

**1. Purpose**

The purpose of this policy is to ensure that Sedgwick County maintains a safe and healthy environment for its employees and visitors. Such an environment is possible only when employees are able to perform their job responsibilities in a safe, secure, 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 risk to themselves and to others.

**2. Scope**

This policy shall apply to all Sedgwick County employees with the exception of those in the Sheriff’s Office.

**3. Policy Statement**

Each employee is expected and required to report to work in a state of “fitness for duty”, as defined below. This policy outlines the circumstances under which Sedgwick County may refer an employee to an independent, licensed health care provider for a fitness for duty evaluation. An employee may be required to have a fitness for duty evaluation if the employee is: (1) having observable difficulty performing essential job-related functions or is posing a serious safety threat to self or others which may be due to a medical condition; and (2) having the evaluation is consistent with business necessity. An observable difficulty performing essential job functions is most appropriately in the context of safety-related job functions.

Application of this policy is not intended as a substitute for Sedgwick County policies or procedures related to chronic performance or behavioral problems or as a substitute for discipline. Supervisors shall continue to address performance or behavioral problems through a performance improvement plan, the performance evaluation process and/or implementation of appropriate corrective or disciplinary action. It is the County’s preference that disability-related performance issues be resolved through the interactive accommodation process.

**4. Definitions**

- A. **Fitness for Duty** - The employee is in an emotional, mental, and physical condition (including free of the effects of alcohol and drugs) necessary to perform the essential job

functions of his/her job in a safe and satisfactory manner, with or without reasonable accommodations.

- B. **Fitness for Duty Evaluation** - A fitness for duty evaluation is performed by a licensed health care provider. The evaluation analyzes the employee's job requirements, assesses the employee's physical capabilities, and assesses the employee's psychological state. The result is an objective, non-biased evaluation and final report determining if the employee is physically and mentally capable of performing the essential functions of his/her job with or without accommodations.
- C. **Coordinating Committee** - The committee of individuals responsible for coordinating and facilitating the fitness for duty evaluation. The Coordinating Committee includes, but is not limited to:
  - 1. FML/ADA (Family and Medical Leave/Americans with Disabilities Act) Coordinator
  - 2. Chief Human Resources Officer or designee
  - 3. County Counselor or designee
  - 4. Employee's Division/Department Director
  - 5. Employee's immediate supervisor

The Coordinating Committee, or a member of, is responsible for:

- 1. Reviewing information presented by the supervisor regarding employee behaviors or performance;
- 2. Identifying who will conduct the fitness for duty evaluation;
- 3. Receiving the results of the fitness for duty evaluation;
- 4. Communicating the results to the employee;
- 5. Maintaining confidentiality except as specified in this policy; and
- 6. Coordinating payment by the employee's Division/Department for the fitness for duty evaluation.

- D. **Return to Work Certification** - Certification from the licensed health care provider that the employee is ready to safely perform all job responsibilities upon return to work. May include recommended accommodations.

## 6. Procedures

- A. The implementing procedures for this policy are administered by the Division of Human Resources. Procedures may be revised upon review by the FML/ADA Coordinator, Chief Human Resources Officer, and a representative from the County Counselor's Office and approval by the County Manager.
- B. Confidentiality of Fitness for Duty Evaluations follows 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 separate from departmental or the official personnel file. This information may be shared only on a "need to know" basis.