

Title: Administrative Policy Fitness for Duty	Policy No. Part 5, Staff Policies Chapter 1, Rules Section 4
	Effective Date October 29, 2019
Policy Custodian Safety & Compliance Division	Adoption/Revision Date October 29, 2019

Adopting Resolution(s): CC19-365

References (Statutes/Resos/Policies):

Purpose: Jefferson County is committed to maintaining a safe environment for all employees and citizens. For Jefferson County to maintain a safe environment, every employee must be able to perform his/her job duties in a safe, secure, and effective manner in order to preserve the health and safety of those around them.

Policy: Fitness for Duty

A. Applicability

1. This policy applies to all county employees, excluding sworn law enforcement officers.
2. Certain employment positions may have additional fit for duty requirements pursuant to law or other requirements.
3. This policy does not limit Jefferson County's right to take employment action under its normal disciplinary policies and procedures. Employees who fail to perform his/her job functions and/or engage in misconduct may face disciplinary action up to and including termination notwithstanding a referral for a fitness for duty evaluation.

B. Fitness for Duty Evaluation

1. A fitness for duty evaluation may be required when the County has a reasonable belief, based on objective evidence, that a) an employee's ability to perform essential job functions will be impaired by a medical condition; or b) an employee will pose a direct threat due to a medical condition. The grounds for seeking a fitness for duty evaluation may come from a supervisor's own observations and/or receipt of a reliable report of the employee's possible lack of fitness for duty from a third party.
2. Examples of some of the types of impairments that may warrant the County to request a fitness for duty evaluation include:
 - use, possession, or influence of alcohol or drugs;

- use of legal drugs that adversely affect the employee's ability to perform his/her job functions safely;
 - slurred or incoherent speech;
 - observed problems with vision, awareness, coordination or dexterity;
 - aggressive or threatening behavior;
 - unpredictable mood or behavioral changes;
 - drowsiness, sleepiness or other signs of fatigue; or
 - any other physical or psychological condition or behavior that affects the employee's ability to practice his or her job functions successfully and safely.
3. The employee's organization is required to make a recommendation for a fitness for duty evaluation to Human Resources. Upon receipt of the request, HR will coordinate with the Safety & Compliance Division to determine if a fitness for duty evaluation is appropriate.
 4. Jefferson County may use the results of the Fitness for Duty evaluation to make decisions regarding the employee's employment status, including, without limitation, and as applicable, provision of reasonable accommodation or whether medical separation or termination is appropriate.

C. Healthcare Professional Evaluation

1. A fitness for duty evaluation shall be conducted by an independent and licensed healthcare provider ("Healthcare Professional") of Jefferson County's choosing.
2. Jefferson County Safety & Compliance Division is responsible for paying the cost of any fitness for duty evaluation(s) required by Jefferson County. After evaluation, if further treatment or new treatment is required for the employee to be deemed fit for duty, such treatment costs may be the responsibility of the employee. If injury is work-related, workers' compensation benefits would apply; if not work-related, then the employee is responsible for such additional treatment.
3. The Healthcare Professional shall provide Jefferson County with his or her professional medical opinion as to the employee's fitness to perform his or her job functions.

D. Confidentiality

To the extent allowed by law, Jefferson County shall protect the confidentiality of the evaluation and the results. Employee medical information provided by the employee to Jefferson County is maintained on a confidential basis in accordance with applicable law. When conducting a mandated fitness for duty evaluation, Jefferson County may ask employee to sign consent forms that permit production of medical health information to the Independent Medical Evaluator. If the employee releases medical health information to the Independent Medical Evaluator, the employee may opt to not have the medical health information released to Jefferson County.