

Fitness for Duty Procedures	
Purpose	
1.1	To protect the employee and the campus community by requiring medical certification of fitness for duty when an employee is absent from work due to a medical condition.
1.1	These procedures provide supervisors with guidance and practical steps for evaluating an employee's fitness for duty when an employee is: <ol style="list-style-type: none"> 1. Having observable difficulty performing work duties safely for him/herself, others, and/or property as determined by the supervisor; 2. Posing an imminent and serious safety threat to self or others; or 3. Being hired into a safety/health-sensitive, security-sensitive or health care position.
Scope	
2.1	The fitness for duty procedures apply to all University employees.
Basis of the Procedures	
3.1	The University of Nebraska Medical Center is committed to providing a safe workplace and to protecting the health and safety of students, faculty and staff, visitors and University property. In order to provide a safe working 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 others, and to property.
Authorities and Administration	
4.1	The UNMC Human Resources' Division Director of Employee Relations is responsible for the administration, implementation, and maintenance of the fitness for duty procedures at the campus level in consultation with the Assistant Vice Chancellor for Business and Finance- Executive Director of Human Resources and the Vice Chancellor for Business and Finance.
Procedures	
5.1	Employees' Responsibilities: <ol style="list-style-type: none"> 1. Reporting to work fit for duty and remaining fit for duty the entire time working. 2. Notifying the manager/supervisor when they are not fit for duty. 3. Notifying the manager/supervisor when they observe a coworker who may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the upper level manager or Human Resources – Employee Relations at 402-559-4371 or 402-559-8534. 4. Prospective employees being considered for a safety/health-sensitive, security-sensitive or health care position must be able to pass a pre-employment fitness for duty test/physical

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	<p>test. A prospective employee who tests positive for the presence of drugs in the initial screening or otherwise fails the fitness for duty test shall have the offer of employment rescinded.</p> <ol style="list-style-type: none"> 5. Employees must be able to pass a for cause drug test. Failure to do so will result in corrective and disciplinary action. Refusal to take a for-cause drug test may result in corrective and disciplinary action up to and including separation. 6. Employees returning from a medical leave (sick leave of 5 days or more) are required to provide a medical provider’s note that they are fit to return to work. Human Resources – Employee Relations will notify employee that medical provider’s note is required. If medical provider’s note is not submitted employee’s return to work may be delayed until provider’s note is submitted. Other appropriate disciplinary action may be taken.
5.2	<p>Managers/Supervisors’ Responsibilities:</p> <ol style="list-style-type: none"> 1. Observing and documenting the attendance, performance, and behavior of the employees they supervise. 2. Following these procedures when presented with circumstances or knowledge that indicates that an employee may be unfit for duty. 3. Utilizing these procedures in a fair and consistent manner, respecting the employee’s privacy and the confidentiality of medical information as defined in Neb. Statute 48-1906. 4. Coordinating with Human Resources – Employee Relations when employee is returning from medical leave.
5.3	<p>Procedures:</p> <ol style="list-style-type: none"> 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 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, supervisors or visitors; inappropriate reactions to criticism; or suicidal or threatening statements. Supervisors/Managers may complete the Observation Checklist Form and consult with Human Resources – Employee Relations. 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 his or her actions, or to correct any mistakes of fact contained in the description of those actions. The supervisor in consultation with the Human Resources – Employee Relations will then determine whether the employee should leave the workplace immediately for safety reasons. 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 shall contact Campus Security. The Assistant Vice Chancellor for Business and Finance- Executive Director of Human Resources or designee 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 Human Resources – Employee Relations during the 8am to 5pm 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 8am to 5pm workday, the

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	<p>supervisor/manager will make a determination of whether the employee should leave the workplace immediately for safety reasons. Human Resources – Employee Relations should be contacted at the beginning of the next business day.)</p> <ol style="list-style-type: none"> 5. Based on the descriptions provided by the supervisor, the Human Resources – Employee Relations representative and supervisor will determine whether a fitness for duty evaluation is required. 6. The medical evaluation for fitness for duty will be performed by an impartial, independent health care evaluator with appropriate expertise (which will include one or more of the following: medical, psychological, alcohol or other drug conditions). 7. UNMC will pay the cost of fitness for duty evaluations. 8. UNMC will make the final determination of an employee’s fitness for duty status. 9. An employee referred for a fitness for duty evaluation will be relieved of duties pending completion of the evaluation. 10. An employee’s pay status under fitness for duty will be determined after the supervisor and Human Resources – Employee Relations Division Director assess the facts of the case. 11. In all cases, UNMC must receive a “return to work/fitness for duty release form” from the independent evaluator before an employee may return to work. 12. These procedures are not intended as a substitute for other UNMC policies or procedures related to performance. In addition, application of these procedures is not a substitute for discipline. In any situation involving misconduct, disciplinary action may occur.
<p>5.4</p>	<p>Definitions:</p> <p>Employee: unclassified, classified, and student employees, student interns, and any other person having an employment relationship with UNMC, regardless of the appointment type (e.g., full time, part time, temporary, etc.).</p> <p>Fitness for duty: ability to perform the essential duties of the job safely, securely, productively, and effectively. Examples: lifting, bending, driving, applying chemicals, conveying information.</p> <p>Post-accident testing: employees in safety-sensitive or security-sensitive positions (refer to list at end of this document) involved in an accident that occurs during the course and scope of employment may be required to submit to a fitness for duty test.</p> <p>Pre-employment testing: prospective employee accepting a safety-sensitive or security-sensitive position may be required to submit to fitness for duty drug screening following a job offer.</p> <p>Reasonable suspicion: belief based upon reliable, objective and describable facts derived from direct observation of specific physical, behavioral, odorous presence, or performance indicators and being of sufficient import and quantity to lead a prudent person to suspect that an employee is not fit for duty.</p> <p>Working hours: beginning with an employee’s starting time and ending with the employee’s quitting time as well as any time an employee is on-call. All work activities are included whether they occur on or outside University properties.</p>
<p>5.5</p>	<p>Safety-sensitive or security-sensitive position:</p> <p>Business & Finance positions determined by the Assistant Vice Chancellor for Business and Finance- Executive Director of Human Resources to contain such duties that the University has an interest to keep the incumbent drug-free that outweighs the employee’s privacy interests.</p>

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	<p>Employees considered for or who hold a safety-sensitive or security-sensitive position will be subject to pre-employment, post-accident, and reasonable suspicion of being unfit for duty drug screening. Definitions of such positions within the University of Nebraska Medical Center follow:</p> <ol style="list-style-type: none"> 1. Positions with duties that are required or are authorized to perform the safety inspection of a structure 2. Positions with duties that are required or are authorized to inspect, handle, or transport hazardous waste as defined Neb. Rev. Stat. 81-1505(13) or hazardous material as defined in Neb. Rev. Stat. 81-1567 to 81-1570 3. Positions with duties that are required or are authorized to exercise any responsibility over power plant and electrical equipment 4. Positions with duties that require operating or maintaining any heavy equipment, machinery, or power tools or the supervision of such an employee and 5. Positions with duties that require or authorize the operation or maintenance of a public vehicle, or the supervision of such an employee
5.6	<p>UNMC Safety-sensitive and/or Security-sensitive Positions:</p> <p>The following list of safety-sensitive and/or security-sensitive positions at the University is subject to change depending on elimination of old positions/titles and creation of new positions/titles that fall within the definition of safety-sensitive and/or security-sensitive positions as stipulated above.</p> <ol style="list-style-type: none"> 1. Campus Security: officers, sergeants, dispatchers, management and technical staff 2. Environmental Safety: Senior Chemical and Radiation Safety Specialist and supervisor 3. Facilities Operations: Chief Engineer and operating staff 4. Energy Systems: managers and supervisors, electricians, and heating, venting, air conditioning and related building maintenance staff 5. Trades Maintenance: manager, plumbers/pipefitters, related trades staff 6. Landscaping: manager and groundskeepers 7. Environmental and Custodial Services: managers, supervisors and custodians
<p>Notice of Non-Discrimination</p>	
6.1	<p>Please see UNMC's Notice of Non-Discrimination regarding the University of Nebraska Medical Center's commitment to creating a diverse and inclusive working and learning environment free from discrimination and harassment</p>
<p>For additional information contact Employee Relations representatives at 402-559-4371 or 402-559-8534.</p>	