



Fitness for Duty Procedures

1. Purpose

1.1 To protect employees and the campus community by requiring medical certification of fitness for duty when an employee is absent from work due to a medical condition or is otherwise not fit to work.

1.2 These procedures provide supervisors with guidance and practical steps for evaluating an employee's fitness for duty when an employee:

1. Demonstrates observable difficulty performing work duties safely for him/herself, others, or property as determined by the supervisor.
2. Pose an imminent and serious safety threat to self or others; or
3. Is being hired into or employed in a safety/health-sensitive, security-sensitive or health care position.

2. Scope

2.1 The fitness-for-duty procedures apply to all University employees.

3. 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. To maintain 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 their entire work period. Employees who are not fit for duty may pose a safety risk to themselves, others, and University property.

4. Authorities and Administration

4.1 The Assistant Vice Chancellor and Executive Director of Human Resources is responsible for the administration, implementation, and maintenance of the fitness-for-duty procedures at the campus level.

5. Procedures

5.1 Employees' Responsibilities:

1. Fit for Duty – Employees must report and remain fit for duty throughout their work shift.
2. Reporting Personal Impairment – Employees must notify their manager/supervisor if they are not fit for duty.
3. Reporting Concerns About Others – Employees must notify their manager/supervisor if they observe a coworker who may be unfit for duty. If the concern involves the supervisor, employees may contact an upper-level manager or Human Resources-Employee Relations at 402-559-4371 or 402-559-1237 or employeerelations@unmc.edu.
4. Pre-Employment Fitness Requirements - Prospective employees for a safety/health-sensitive, security-sensitive or health care position must pass a pre-employment fitness for duty test/physical test. Offers of employment will be rescinded if the candidate fails the fitness test or tests positive for drugs.
5. Drug Testing – Employees must pass a drug test when there is reasonable suspicion of impairment. Failure or refusal to take the test may result in corrective and disciplinary action. Refusal to take a drug test may result in corrective and disciplinary action up to and including separation of employment.
6. Return from Medical Leave - Employees returning from medical leave (or 5 or more consecutive sick leave days) are required to provide a medical provider's note confirming fitness to return to work.
 - A [Fit-for-Duty Form](#) may be provided to the employee by Human Resources – Employee Relations.

Failure to submit the provider's note may delay the return to work and may result in disciplinary action.

5.2 Managers/Supervisors' Responsibilities:

1. Monitoring Employees – Observe and document the attendance, performance, and behavior of employees they supervise.
2. Responding to Fitness-For-Duty concerns – Follow established policy and procedures when circumstances or information indicate that an employee may be unfit for duty.
3. Consistency and Privacy – Apply fitness-for-duty procedures in a fair and consistent manner, while respecting employee's privacy and the confidentiality of medical information as defined in Neb. Statute 48-1906.
4. Return from Medical Leave - Coordinate with Human Resources – Employee Relations when an employee is returning from medical leave.

5.3 Procedures:

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 [Fit-for-Duty Observation Checklist](#) and consult with Human Resources – Employee Relations.

2. The supervisor will present the information or observations to the employee at the earliest possible time to validate them; and will allow the employee to explain their actions, or to correct any mistakes of fact contained in the description of those actions. The supervisor, in consultation with Human Resources – Employee Relations, will determine whether the employee should leave the workplace immediately for safety reasons. However, the supervisor may place the employee on a leave of absence immediately, without contacting Human Resources – Employee Relations if the situation warrants immediate action.
3. In situations where a supervisor has reasonable suspicion that an employee is under the influence of alcohol and/or unlawful controlled substances, the supervisor may request the employee submit to a urine drug screen and an alcohol breathalyzer test. However, before making this request, the supervisor must follow the [UNMC Reasonable Suspicion of Impairment Determination and Testing Guidelines](#).
4. 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.
5. 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 they receive reports and validates or personally observes an employee's unfit behavior. (For situations arising outside the 8am to 5pm workday, the 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).
6. 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.
7. 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).
8. If a second opinion is needed for the medical evaluation, UNMC will pay the cost of the second opinion fitness-for-duty evaluation.
9. UNMC will make the final determination of an employee's fitness-for-duty status.
10. An employee referred for a fitness-for-duty evaluation will be relieved of duties pending completion of the evaluation.
11. An employee's pay status under fitness-for-duty will be determined after the supervisor and Human Resources – Employee Relations assess the facts of the case.
12. 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. 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.

5.4 **Definitions:**

Employee: Office Service, Managerial Professional, Faculty, Other Academic, and any other person having an employment relationship with UNMC, regardless of the appointment type (e.g., full time, part time, temporary, etc.).

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.

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.

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.

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 reasonable person to suspect that an employee is not fit-for-duty. Please see UNMC's Reasonable Suspicion Determination and Testing Guidelines.

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.

5.5 **Safety-sensitive or Security-sensitive position:**

Business & Finance positions determined by the Assistant Vice Chancellor for Business and Finance and the Assistant Vice Chancellor and Executive Director of Human Resources to contain such duties that the University has an interest in keeping the incumbent drug-free that outweighs the employee's privacy interests. 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:

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 **UNMC Safety-sensitive and/or Security-sensitive Positions:**

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.

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

6. Notice of Non-Discrimination

6.1 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.

For additional information, please contact Human Resources - Employee Relations at 402-559-4371 or 402-559-1237 or employeerelations@unmc.edu.