

North Dakota State University

Policy Manual

SECTION 161 FITNESS FOR DUTY

SOURCE: NDSU President

1. Overview

NDSU is committed to providing a safe working environment and to protect the health and safety of students, faculty and staff, visitors and University property. This policy provides a mechanism for identifying and intervening when individuals who could pose a threat to the safety of others and property. Required drug and alcohol screening of employees in designated positions is addressed in NDSU policy 161.1. Post-offer/pre-hire screening of job candidates for positions related to dining services must comply with Fargo Public Health Codes.

2. Definitions

- a. Fitness for duty: physical and mental health status that facilitates the performance of essential job duties in an effective manner and protects the health and safety of oneself, others and property.
- b. Reliable report: self-disclosure or third-party opinion about an employee's possible lack of fitness for duty which is assessed as reasonable by the manager/supervisor considering such factors as the relationship of the reporter to the employee, the seriousness of the employee's condition, the possible motivation of the reporter and how the reporter learned the information.
- c. 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.
- d. Physical/Mental evaluation: An examination performed by a university-designated health professional, including but not limited to a health history, physical and/or psychological examination and any medically indicated diagnostic studies. The cost is paid by the employee's department.
- e. Physical/Mental certification: a document from a medically appropriate, licensed provider attesting to an employee's fitness for duty following an extended medical absence. Allowable costs to obtain the certification are paid by Workers Compensation for work-related absences, and by the employee and the employee's health insurance for absences which are not work-related.

3. Employee responsibilities

- a. Reporting to work fit for duty.
- b. Notifying the manager/supervisor when not fit for duty.

- c. Notifying the manager/supervisor when observing a co-worker who may not be fit for duty (in cases where the possibly impaired individual is the employee's manager, the employee should make the notification to the next higher level manager or the Director of Human Resources/Payroll).
- d. Cooperating with a manager/supervisor's directive and/or referral for a medical evaluation.

4. Manager/supervisor responsibilities

- a. Observing the attendance, performance and behavior of employees they supervise.
- b. Interviewing an employee who appears to the manager/supervisor (or third-party report) unfit for duty.
- c. Recording the reasons/observations that triggered a fitness for duty concern.
- d. Utilizing this policy in a fair and consistent manner, respecting the employee's privacy and the confidentiality of medical information.

5. Procedures

- a. Employee plans to return from work after an extended medical absence.
 - 1. Employee is required to submit medical certification prior to his/her return to work indicating that employee is able to return to work, with suggested accommodations, if applicable.
 - 2. Manager/supervisor with assistance from Human Resources determines whether or not employee can perform essential functions of the job with or without accommodation.
 - 3. Manager/supervisor provides and employee utilizes accommodations
- b. A triggering event occurs when a manager/supervisor observes or receives a reliable report of an employee's possible lack of fitness for duty. Observations may include, but are not limited to an employee's self-reports, manual dexterity, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, suicidal or threatening statements, change in personal hygiene, presence of condition likely to lead to food borne disease transmission, memory and/or odor of alcohol or marijuana.
 - 1. Manager/supervisor interviews employee, when possible.
 - 2. Manager/supervisor assesses magnitude of safety risk. Managers/supervisors should contact Human Resources and Payroll for assistance.
 - A. No risk: keep notes of event
 - B. Minor risk: Difficulty in performing the essential functions of the position and a potential safety risk to self and others

- I. Encourage employee to use Employee Assistance Program (see NDSU policy 134) or seek medical treatment;
- II. Document event
- C. Significant risk: Unable to perform the essential functions of the position and is a safety risk to the self and others
 - I. Contact University Police if appropriate
 - II. Place employee on paid leave of absence (sick leave or paid administrative leave, depending on situation)
 - III. Arrange for employee's safe transportation home if situation warrants
 - IV. Refer employee to Employee Assistance Program
 - V.
 - VI. Work with Office of Human Resources and Payroll to initiate a medical evaluation
 - VII. Implement discipline, if appropriate

6. Outcomes

- a. Employees voluntarily seeking assistance for physical (including controlled substance, drug and alcohol abuse/addictions), mental, and/or emotional problems before their work performance or attendance is adversely affected will not have their employment status jeopardized for seeking assistance.
- b. Employees cooperating in a medical evaluation and in compliance with recommendations for medical, psychological and/or chemical dependence treatment may be returned to the job provided appropriate discipline, if warranted, has taken place.
- c. Employees posing a severe risk may be subject to discipline up to and including termination of employment.

HISTORY:

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| New | May 15, 1972 |
| Amended | May 12, 1986 |
| Amended | April 1992 |
| Amended | April 2000 |
| Amended | April 2001 |
| Amended | March 2002 |
| Amended | October 2007 |
| Amended | April 7, 2017 |