I. PURPOSE

The purpose of this policy is to protect the health and safety of employees and others in the work environment and to assist employees to remedy any medical and/or mental health problems that may adversely affect the satisfactory and safe performance of job functions. The term UCI Medical Center in this policy includes UCI Medical Center and its ancillary offsite locations. This policy shall not restrict the retention of any employee with a physical or mental disability unless there is a direct threat to the health or safety of the employee or others in the work place. Reasonable accommodation shall be made for an individual with a disability as required by State and Federal Law and University policy (see SPP 764, A&PS Policy 180, MAP Policy 80 or applicable Collective Bargaining Agreement). Any communication of health care information will be done in compliance with state and HIPAA regulations.

II. BACKGROUND

UCI Medical Center recognizes the importance of a safe and healthful work environment for all employees. Acute medical problems, serious physical limitations, substance abuse, and/or severe emotional distress are among the factors that may seriously affect an employee's job performance, conduct, and ability to work safely without hazard to self or others. This policy provides for the establishment of a process for determining an employee's fitness for duty and for fair and uniform standards in administering fitness for duty assessments.

III. POLICY

It is the policy of UCI Medical Center to refer an employee for a fitness for duty assessment when the employee's performance or conduct has significantly declined to such an extent that there may be a threat to the health and safety of the employee or others in the work place or when an employee is returning to work from an extended medical or disability leave of absence. Employees are expected to work when healthy and to seek appropriate medical attention when there is a risk of communicable disease. Workers suspected of communicable disease should be referred to Occupational Health for further evaluation.

A. Fitness for Duty Assessments: Indications

1. A UCI Medical Center employee shall be referred to Occupational Health* for a fitness for duty assessment:

   a. Whenever there is significant documented reason to conclude that the employee may be a threat to the health and safety of the employee and/or others in the work place.
b. Whenever the employee reports to work impaired and unable to perform normal duties in the judgment of the Supervisor.

c. Whenever there is significant documented evidence to conclude that the employee is unable to initiate or continue normal work duties in a safe and proper manner.

d. Prior to return to work following an extended medical or disability leave of absence of 5 or more consecutive working days.

2. An employee may be referred for administration of a fitness for duty assessment:

   a. When there is documented evidence of an unexplained decline in work performance, attendance, or work conduct after counseling and intervention by the Supervisor or Manager.

B. Fitness for Duty Determinations

1. For on-site UCIMC employees, Occupational Health will conduct fitness for duty assessments during normal clinic hours M-F 8:00 a.m. – 5:00 p.m.

   a. If the employee is deemed fit for duty, the employee shall be given written clearance by Occupational Health.

   b. If the employee is deemed fit for duty with restrictions/limitations, Occupational Health will provide those restrictions to the employee, and consult with the department to ascertain if job duties can be safely performed with such restrictions/limitations. Final determination of the employee's return to work status with restrictions/limitations and/or reasonable accommodation shall be made by the department in consultation with Human Resources.

   c. If it is determined that the employee is not able to perform job functions safely and without hazard to self or others, the employee shall not work. The department shall consult with Human Resources regarding the employee's appropriate leave status.

   d. Upon recommendation by Occupational Health and the department and with approval of the Human Resources Director, an employee may be referred for further medical evaluation by a University appointed physician or health care professional.

2. Employees of off-site locations (ambulatory clinics); or during off hours
At off-site clinic locations or during off hours, the clinic nurse manager or house supervisor will make a fitness for duty determination, and, if the employee is to be sent home, will provide for employee follow-up through Occupational Health. All other policy provisions apply with regard to documentation and follow-up. (See Section J: Procedure for transportation home for employee, when unable to drive).

C. Confidentiality

Documents regarding fitness for duty shall be considered confidential and maintained accordingly.

D. Employee Failure to Comply

Failure of the employee to comply with the requirements for a Fitness for Duty assessment or follow-up medical evaluation may, after consultation with Human Resources, result in corrective action up to and including dismissal.

E. No Waiver of Disciplinary Action

Actions under this policy shall not constitute a waiver of normal administrative or disciplinary procedures relating to work rule violations, misconduct, or substandard job performance.

IV. PROCEDURE

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<tr>
<th>RESPONSIBLE PERSON(S)/DEPT</th>
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<tr>
<td>Supervisor or House Supervisor</td>
<td>A. Observed deficiencies in employee performance or behavior shall be documented on the Fitness For Duty Referral Form by the Supervisor. This documentation must be directly related to the employee's ability to perform his or her work duties in a safe and satisfactory manner. Possible observations may include, but are not limited to: drowsiness and/or sleepiness; apparent odor of alcohol on the breath; slurred/incoherent speech; inability to concentrate; lack of attention; unacceptable aggressive behavior; unexplained work errors; unexplained changes in mood; manual dexterity; coordination in walking; unexplained work-related accident or injury; and excessive tardiness or absenteeism.</td>
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<tr>
<td>Supervisor or Management Representative</td>
<td>B. Another supervisor or management representative shall, whenever possible, be called upon to witness and confirm observed deficiencies in employee performance and/or behavior. Such observations shall also be documented on the referral form.</td>
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### C. The Supervisor and, whenever possible, another management representative shall interview the employee in private to give the employee an opportunity to explain the observed behavior.

### D. If the Supervisor determines a referral for assessment is appropriate, the Supervisor shall notify Occupational Health of the referral and provide Occupational Health with a confidential Referral Form (Attachment A) either in person or by messenger (but **not** hand-carried by the employee).

The referral should include documentation of observed deficiencies in performance and a copy of the employee's **job description**.

The Supervisor will then escort the employee to Occupational Health. After hours the referral shall be made to the House Supervisor, who will complete the assessment and required documentation and providing it to Occupational Health during the next working hours.

### E. Between Monday – Friday 8:00 a.m. to 5:00 p.m., Occupational Health Physician, as applicable, will conduct the fitness for duty assessment and determine if the employee is able to return to work. Occupational Health will provide the employee, his/her supervisor with a work status, using Attachment B: Fitness For Duty Assessment/Instruction

If the employee is determined to be "unfit for duty" and not able to return to work, the department will be notified of this with a recommendation that the employee be sent home. The employee will be instructed to report to Occupational Health prior to returning to work.

### F. When the Occupational Health clinic is closed, on-site employees will be referred to the House Supervisor who will make a determination regarding fitness for duty, notifying Occupational Health within 24 hours of the assessment, and providing all documentation (including Fitness for Duty Referral Form and Fitness for Duty Assessment/Work Status).

### G. If the situation involves a medical or mental health emergency (that is, the employee is grossly impaired or an immediate danger to self or others) the employee’s supervisor will determine whether the employee should be taken to the Emergency Department and/or if UCI Security should be called for assistance in securing a safe work environment.

### H. Referral to the Emergency department is only appropriate if there is a **medical emergency** or a **mental health emergency**
possibly requiring a 5150 Mental Health Hold or the employee voluntarily agrees to a medical or psychiatric evaluation.

Employees evaluated in the Emergency Department will be referred to Occupational Health for follow up during regular hours of operation.

| Supervisor or House Supervisor | I. If the employee refuses to comply with the required safe work environment assessment and there is no evidence of a medical and/or mental health emergency, the Supervisor will place the employee on investigatory leave and contact Human Resources. |
| Supervisor or UCI Security Officer | J. If it has been determined that the employee is unsafe to drive, the Supervisor will assist the employee in locating someone to provide transportation home. Supervisors, managers, co-workers or other Medical Center employees will not transport the impaired employee. |
| Supervisor or UCI Security Officer | K. If the impaired employee cannot be dissuaded from driving, the Supervisor will advise the employee that UCI Security Services will be notified, and the Supervisor shall request assistance from the UCI Police. |
| Supervisor | L. If the employee is sent home, accrued sick time or PTO may be used to compensate for any regularly scheduled work or where appropriate, the employee will be placed on investigatory leave. |
| Occupational Health | M. Upon return to work, if the employee submits a medical clearance from his/her primary medical physician stipulating any restrictions/limitations, Occupational Health will contact the department to ascertain if the employee can perform essential duties with such restrictions/limitations and if not, can reasonable accommodation be made. |
| Occupational Health | N. Communication of health care information related to the assessment of fitness for duty is subject to HIPAA regulations and medical consent policy. |
| Supervisor or House Supervisor | O. If an employee is found to be in possession of any open alcoholic beverage or illegal or un-prescribed controlled substance while performing work duties during their work shift, the Supervisor will: a) Place the employee on investigatory leave; b) Refer and accompany the employee immediately for a Fitness for Duty Assessment; c) Notify UCI Security Services to initiate an investigation of the incident; d) Notify Human Resources of the incident; and e) Document the incident |
### UCI Security Officer

Upon notification, UCI Security Services will conduct an investigation in its usual manner and will gather any physical evidence, interview the principal parties and any eyewitnesses involved in the incident, and document.

If illegal controlled substances are found on the premises, the UCI Security Services will take appropriate action.

### Supervisor

Mandatory referral to the Employee Assistance Program, prior to or shortly after the employee's return to work, may be made in accordance with the "Guidelines for Mandatory Referral" stated in the Employee Assistance Program policy, or on the Human Resources web site under Employee Assistance Program.

Related policies:
- Occupational Health-Employee Services

Author: Human Resources

Approvals:
- EIP Committee: April 22, 2010
- Policy Review Committee: June 09, 2010
- Med Exec Committee: June 21, 2010
- Governing Body: June 28, 2010