



## Fitness for Duty Determination

In accordance with the steps outlined herein, a supervisor may request and an employee must submit to a "fitness for duty determination" if a supervisor believes an employee is not able to perform his or her duties as a result of the use of alcohol or illegal drugs based on the following circumstances:

1. When a supervisor or managerial employee determines that "reasonable suspicion exists" based on observations of conduct, reactions, job performance, work habits, physical symptoms, or appearance of the employee are indicative of the use of or being under the influence of illegal drugs or alcohol while on the premises or during working hours
2. When a supervisor or managerial employee receives information from a credible source that an employee used or is under the influence of illegal drugs or alcohol while on the premises or during working hours or immediately before reporting to work.
3. When an employee is involved in an accident or incident during working hours which caused or contributed to substantial injury to person or property (or had the potential for doing so) or where there is evidence that it may have resulted, in whole or part from his/her use of illegal drugs or alcohol.

In any of the above circumstances the supervisor and the next supervisor in line must complete the "Reasonable Suspicion-Supervisor's Observation" form. This form should be submitted to the Office of Human Resources. Based on the information received Human Resources may require the employee to undergo a medical examination to determine the cause of the disability and if the employee is fit for duty. If the incident occurs after normal business hours and Human Resources is closed, the immediate supervisor must obtain authorization for a fitness for duty examination from his or her supervisor (the supervisor next in line) and have the employee transported to the appropriate facility for medical examination.

The reasonable suspicion must be based on specific, reliable observations concerning the employee's appearance, behavior, speech or body odor. Some examples are but are not limited to:

- Unsteady gait
- Odor of alcohol or illegal drugs on the breath or body
- Thick or slurring speech
- Aggressive or abusive language or behavior
- Disorientation or lethargy

Other factors to consider include:

- Time and attendance patterns
- On-the-job accidents
- Difficulty in remembering instructions or conversations
- Poor relationships with co-workers and supervisors
- Appearance

- Confusion
- Deteriorating job performance

If a Problem Is Suspected, How Does the Supervisor Proceed?

1. The immediate supervisor completes the "Reasonable Suspicion- Supervisor's Observation" form supporting reasonable suspicion that an employee is not able to perform his or her duties as a result of a disability and submits it to his or her supervisor (the next supervisor in line), and the Office of Human Resources (if during normal business hours).
2. If the Office of Human Resources and/or the next supervisor in line finds the documentation persuasive, they may decide to request that a medical examination be given at the appropriate medical facility (see attached chart). The immediate supervisor will transport the employee to the appropriate medical facility. If an emergency exists, the Public Safety Department will either transport the employee to the appropriate medical facility or make appropriate arrangements to ensure the safety of all persons.

If it is after normal business hours and Human Resources and/or the next supervisor in line is unavailable at the work site, the immediate supervisor should contact by phone the next supervisor in line or the department head or designee for verbal authorization to send the employee to the appropriate medical facility. If the next supervisor in line is unavailable, the immediate supervisor should contact the Public Safety Department for assistance to obtain such authorization of the administrator in charge of the employee's department or division.

The physician could include a drug test as part of the examination. Confidentiality of the testing process and the results is an important aspect of this procedure for any employee.

3. Upon positive determination of the use of alcohol or illegal drugs or upon refusal to submit to the medical examination, the department head or designee should immediately suspend the employee with pay. Arrangements must be made for the emergency contact, relative or friend to transport the employee to the appropriate destination at the earliest possible time. Impaired employees are not to drive their own vehicles. If unable to arrange transportation, the University will authorize the supervisor to transport the employee to the appropriate destination. If an emergency exists, the immediate supervisor should contact the Public Safety Department to arrange transportation.
4. Upon positive determination of the use of alcohol or illegal drugs or refusal to submit to the medical examination, the department head or designee in conjunction with Human Resources, will decide the specific action to be taken, based on the nature of the employee's job
5. In the case of those employees subject to the Omnibus Transportation Employee Testing Act of 1991, the supervisor will follow the University policy and procedures related to that Act.

[Reasonable Suspicion - Supervisors Observation Report Form](#)