

SALT LAKE COUNTY HUMAN RESOURCES POLICY AND PROCEDURE**FITNESS FOR DUTY EVALUATIONS****REFERENCE**

Human Resources Policy & Procedure:

- General Definitions
- Employee Assistance Program
- Discipline

POLICY

It is the policy of Salt Lake County to rehabilitate employees whenever feasible. Rehabilitation may be in addition to or in lieu of disciplinary action, for problems which significantly affect job performance, in accordance with the Discipline Policy and within the discretion of the supervisor or administrator.

PROCEDURE**1.0 Fitness-for-duty Referrals**

- 1.1 Work related problems which significantly affect an employee's job performance or are sufficient to justify disciplinary action are handled through fitness-for-duty supervisory referrals by the Human Resources Division, E.E.O. Manager. Where rehabilitation is practical and the likelihood of success for rehabilitation is good, the Administrator may, within his or her discretion, determine to seek rehabilitation in lieu of or in addition to disciplinary action. Supervisors and administrators may consult with the Human Resources Division, the County Attorney's Office, or the Employee Assistance Program Manager to determine whether rehabilitation may be advisable.
- 1.2 Fitness-for-duty referrals shall be conducted under the direction and with the assistance of the Human Resources Division, E.E.O. Manager and shall be conducted by a contracted private provider or the Salt Lake Valley Health Department. Fitness-for-duty referrals are not conducted by the Employee Assistance Program Manager.
- 1.3 Fitness-for-duty referrals are funded from the Employee's Services Reserve Fund subject to the availability of budget.
- 1.4 Supervisor referrals to the E.E.O. Manager for fitness-for-duty evaluations shall include copies of the employee's job description, a description of work related problems, and a brief work history of the employee.
 - 1.4.1 When employees are referred for fitness for duty, the evaluator will provide the following information to the E.E.O. Manager:

- 1.4.1.1 General description of the problem;
 - 1.4.1.2 An assessment of the likelihood for resolution of this problem including the length of time required, rehabilitation, possible use of sick leave, etc.; and
 - 1.4.1.3 Recommendations for any changes in work assignments, etc.
 - 1.4.1.4 If it is determined by the evaluator that an employee can no longer perform the essential functions of the job, Human Resources Policy and Procedure, Reasonable Accommodation, shall be followed.
 - 1.5 When a supervisor directs, through the E.E.O. Manager, that an employee undergo a fitness-for-duty evaluation and the employee refuses or fails to do so, or fails to make progress towards rehabilitation, the supervisor shall follow normal disciplinary procedures.
- 2.0 Progress Reporting
- 2.1 If the employee is in treatment for problems affecting work performance, the supervisor may request subsequent periodic reports from the clinician providing treatment with the signed consent of the employee under this policy regarding the employee's progress towards resolving work related problems and becoming fully functional on the job.
 - 2.2 In cases where the employee is making satisfactory progress toward rehabilitation and is cooperating through release of necessary information to the supervisor, the supervisor may use such information to make appropriate allowances for the employee such as use of sick leave, revised work assignments, work location, etc., as the supervisor believes are appropriate to allow the employee to regain full productivity. The supervisor may discuss such special provisions with the treatment provider or the Human Resources Division.
- 3.0 Confidentiality and Records
- 3.1 Any records containing detailed personal, medical, psychiatric, or psychological data about an employee, shall be classified confidential in accordance with the applicable State or Federal laws relating to medical records.
 - 3.1.1 Such records shall be kept in a locked file in the Human Resources Division office, and shall not be placed in the employee's personnel file (Official), in accordance with applicable State or Federal laws relating to medical records.
 - 3.1.2 Such records shall be made available only to qualified medical personnel upon written release from the employee and pursuant to applicable State or Federal laws relating to medical records.
 - 3.2 The permissible release of information will only be for professional purposes, will be limited to persons clearly concerned with the matter at issue, shall include

only information which is clearly and directly germane to employment purposes and shall avoid undue invasions of privacy as determined by the Human Resources Division Director. The fitness-for-duty evaluator or County E.E.O. Manager has a responsibility to clarify with the client these limits on confidentiality.

- 3.3 When an employee is referred for a fitness-for-duty evaluation or for rehabilitation in lieu of or in addition to discipline, he or she shall execute a waiver permitting communication regarding the employee's general condition and ability to perform the required job duties or essential job functions. Such communications may occur between the supervisor, E.E.O. Manager and the evaluator or treatment provider as a condition for rehabilitation in lieu of discipline and subject to the limitations set out above at Paragraph 3.2.

APPROVED AND PASSED THIS 15TH DAY OF JULY, 2008.