

# Salt Lake County Human Resources Policy 3-900: Fitness for Duty

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## **Purpose**

This policy creates a process to review a sudden change in an employee's physical or mental ability to perform his or her job duties in light of the employee's past performance.

## **I. Policy**

The county recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the county and the employee to identify factors impacting the work place.

## **II. Procedures**

### **A. Fitness for Duty Referrals**

1. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the Equal Employment Opportunity (EEO) Manager or designee when referring an employee for an evaluation.
2. The Supervisor's written request will include a copy of the employee's job description, brief work history, and work-related problems.
3. The evaluation will be conducted by a private contracted provider.
4. The agency will notify the employee in writing of the required evaluation date, time and location.
5. The agency will place the employee on paid administrative leave during the evaluation period.
6. Evaluation costs are paid from the Employee Service Reserve Fund subject to the availability of funding.

### **B. Fitness for Duty Evaluation**

1. The provider's written evaluation will include:
  - a. reasons for the referral;
  - b. a diagnosis including expected duration and required medical or psychological plan;
  - c. a statement indicating whether the employee can perform the job;
  - d. identification of any tasks the employee cannot perform; and
  - e. a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.
2. Upon completion of the fitness for duty evaluation, the agency will notify the employee of the results.
3. The agency, in consultation with the EEO Manager or designee, will determine whether the employee may return to work, be placed on qualifying leave, referred to the ADA Program Coordinator under [HR Policy 3-200 Reasonable Accommodation](#) or be separated from employment.
4. An employee who refuses to submit to a fitness for duty evaluation or fails to make progress towards completing the evaluation plan may be disciplined in accordance with [HR Policy 3-400 Discipline](#).

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## C. Confidentiality and Records

1. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with [Government Records Access and Management Act \(GRAMA\)](#).
2. Evaluation information may only be released for employment related purposes and will be limited to persons with a work-related concern.
3. Fitness-for-duty evaluation records will be kept in a locked file by the EEO Manager or designee and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable State or Federal laws relating to medical records.

## III. References

- A. Americans with Disabilities Act of 1990, as amended
- B. Rehabilitation Act of 1973, Section 504, as amended
- C. Government Records Access and Management Act, Utah Code 63G.2.101 – 901
- D. Human Resources Policy:
  1. 2-100, General Definitions
  2. 3-200, Reasonable Accommodations
  3. 3-400, Discipline