

Fitness-for-Duty Evaluations

GUIDELINES

What is a Fitness-For-Duty (FFD) Evaluation?

1. A medical inquiry into the employee's ability to perform job related functions.
2. Medical evaluation must be job related and consistent with business necessity.
3. All medical information becomes a confidential medical record.
4. FFD evaluation correlates employee impairment to job requirements.

What governs the employer's ability to request a FFD?

The employer's ability to request disability related information and require the employee to submit to a medical examination is governed by the ADA. All medical inquiries must be **JOB RELATED AND CONSISTENT WITH BUSINESS NECESSITY**

“When may an employer ask an employee a disability-related question or require an employee to submit to a medical examination? Generally, an employer only may seek information about an employee's medical condition when it is job related and consistent with business necessity. This means that the employer must have a reasonable belief based on objective evidence that: an employee will be unable to perform the essential functions his or her job because of a medical condition; or, the employee will pose a direct threat because of a medical condition. Employers also may obtain medical information about an employee when the employee has requested a reasonable accommodation and his or her disability or need for accommodation is not obvious. In addition, employers can obtain medical information about employees when they: are required to do so by another federal law or regulation (e.g., DOT medical certification requirements for interstate truck drivers); offer voluntary programs aimed at identifying and treating common health problems, such as high blood pressure and cholesterol; are undertaking affirmative action because of a federal, state, or local law that requires affirmative action for individuals with disabilities or voluntarily using the information they obtain to benefit individuals with disabilities. What should an employer do if it learns about an employee's medical condition from someone else? First, the employer should determine whether the information learned is reliable. The employer should consider how well the person providing the information knows the individual, the seriousness of the medical condition, and how the person learned the information. The employer should then determine whether the information gives rise to a reasonable belief that the employee in question will be unable to perform the essential functions of his or her job because of the medical condition or will pose a direct threat because of the condition. If the information does give rise to such a reasonable belief, then the employer may make disability-related inquiries or require a medical examination as permitted by the Guidance.” (EEOC, Guidance 915.002, 7/27/00)

Possible Triggers: Fitness-for-Duty Evaluation

Performance Issues- Substandard job performance in quality of work, work production, work attendance, negligence in work performance causing excessive damage or waste.

Behavioral Issues- Unusual outburst of anger, delusional thoughts, harassment, inappropriate behavior toward students and substance abuse.

Medical Concerns- Excessive absences, lengthy absences due to hospitalization/surgery, medication issues causing inattention/drowsiness/slurred speech, and expressed employee concerns.

Safety Concerns- (Direct Threat criteria) High number of occupational injuries, equipment operation safety, and monitoring critical processes.

Basic Elements of a Fitness-for-Duty Evaluation

1. **Clear documentation of rationale or need.** What is the objective information that is the basis of the FFD evaluation? This means that the employer must have a reasonable belief based on objective evidence that: an employee will be unable to perform the essential functions his or her job because of a medical condition; or, the employee will pose a direct threat to their own safety or the safety of others because of a medical condition.
2. **Contact the employee and discuss the need for the FFD evaluation.** Obtain a release of medical information, sample form provided in Section 1, RESIG Disability Management Manual. Contact the selected FFD medical provider to discuss referral and schedule appointment allowing sufficient time for medical records to be received by the FFD provider. Send letter to employee to confirm FFD evaluation and appointment date.
3. **Complete a record review of the District's documents pertaining to the situation and compose a FFD referral letter to the selected provider.** Review the sample referral letter in the Section 1 of the Disability Management Manual.
3. **Essential Job Function Analysis (EJFA).** Complete an Essential Job Function Analysis for the employee's job. Contact RESIG EIN/RTW Specialist to obtain the EJFA. If EJFA has not been completed, contact Dennis Chandler, Day-1 Systems to obtain the document. Review EJFA with manager/supervisor for accuracy before sending to the FFD provider.
4. **FFD evaluation conducted by the selected provider medical.** The FFD evaluation may include physical, mental examination and additional diagnostic testing i.e. functional capacities testing to job requirements.
6. **A Fitness For Duty Certification form and well-reasoned report** that documents present functional ability to perform essential job functions with or without reasonable accommodations.

7. **May include a reasonable accommodation evaluation** based on the medical recommendations presented in the FFD.
8. **Documented decision to the employee** on the outcome of the FFD.

Fitness-for-Duty Procedures:

1. All FFD evaluations will be referred to the district's Human Resources Director or district designee for review and scheduling.
 2. Supervisors will assist as requested to provide documentation for FFD evaluation to the Human Resources Director/designee.
 3. Human Resources in consultation with TPA/claims examiner if situation involves a workers' compensation claim will —
 - Contact the employee to discuss FFD evaluation. Obtain a signed *Release of Medical Information Form(s)* covering the FFD request.
 - Contact the selected FFD provider to discuss case and schedule the FFD evaluation.
 - Compose referral letter to the FFD medical provider, see sample provided.
 - Notify the employee of appointment.
 - Ensure all pertinent medical records will be obtained and provided to the FFD medical provider prior to the scheduled appointment.
 4. Human Resource Director or designee will follow up with FFD medical provider; obtain the Fitness-for- Duty Certification form and accompanying report to determine the employee's ability to perform the essential job functions of their job.
 5. Human Resource Director will contact employee and provide correspondence indicating the District's actions. An ADA reasonable accommodation review may be required. See Section 3, Disability Management Manual for procedures and forms. Human Resource Director or designee will coordinate return-to-work with employee's supervisor as appropriate. All medical information specific to the FFD will be confidential, kept in a separate locked file. The manager/supervisor will be made aware of any work restrictions placed on employee pertinent to the specific requirements of the employee's job.
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