

Utah County Human Resources Policy 4-2800: Fitness for Duty

Purpose

All employees are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of employee work responsibilities. The purpose of this policy is to ensure that all employees of Utah County remain fit for duty and able to perform necessary job functions.

I. Policy

Utah County may require current employees to whom a conditional offer of employment has been extended to undergo medical examinations whenever management determines that these are necessary for the safe operation of the organization or job related as consistent with business necessity, as allowed by federal and state law.

Successful applicants for employment may be required, as a condition of employment, to take a medical or mental examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.

Employees may be required to have a medical or mental examination on other occasions when the examination is job-related and consistent with business necessity.

II. Procedures

A. Employee Responsibilities

1. It shall be the responsibility of each employee of the County to maintain a good physical condition, sufficient to safely and properly perform essential duties of their position.
2. Each employee of the County shall perform his/her respective duties without physical, emotional and/or mental constraints.
3. During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
4. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. If an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

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B. Supervisor Responsibilities

1. A supervisor observing an employee or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
2. Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem, and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
3. In the event the employee appears to need immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
4. In conjunction with the direct supervisor or another of the employee's supervisors in the chain of command, a determination should be made whether the employee should be temporarily relieved from his/her duties.
5. Any supervisor who is made aware that an employee may have a physical or mental disability affecting the employee's ability to perform his/her duties shall investigate the allegation.
6. In the case of public safety employees, the Sheriff or a designee shall ensure that any allegation that a deputy has a physical or mental disability affecting the employee's ability to perform his/her duties is reported to Utah Peace Officer Standards and Training (POST) within 90 days if the allegations are found to be true (UAC R728-409-18). This applies even in those instances where a deputy resigns or is terminated (Utah Code 53-6-211).
7. The Department Head shall be promptly notified in the event that any employee is relieved from duty.

C. Fitness for Duty Evaluations

1. Fitness for duty medical or mental evaluations may be performed under any of the following circumstances:
 - a. Return to work from injury or illness.
 - b. When a supervisor determines that an employee's physical, emotional, or mental condition is a direct threat to the health or safety of the employee or others and prevents the employee from performing his/her job duties and essential functions.

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- c. In conjunction with corrective action, performance or conduct issues or discipline.
- d. When it is a bona fide occupational qualification for selection, retention or promotion.
- e. Noncompliance with a request for a fitness for duty evaluation shall be considered insubordination and may be a cause for disciplinary action, up to and including termination.

D. Cost of Required Examinations

Required medical or mental examinations will be paid for by the County and will be performed by a physician or licensed medical mental facility designated or approved by Utah County Human Resources. Medical or mental examinations paid for by the County are the property of the County, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

E. Appeals

A career service tenured employee who has been recommended for demotion or termination resulting from a fitness for duty exam or noncompliance with a request for a fitness for duty examination may appeal as outlined in Rule VII.I of the Utah County Human Resource Rules and Regulations.

F. Confidentiality

Under the Health Insurance Portability and Accountability Act ("HIPPA"), any document containing medical information about an employee is considered a medical record and is regarded as confidential to the extent permitted by federal and state law. This information may be shared only on a need to know basis. Employees may obtain a copy of their medical or mental examinations upon written request.