



POL - 80.05.1 - Fitness for Duty Policy

Authority: Board of Trustees

Responsible Office: Human Resources

Number: POL - 80.05.1 - Fitness for Duty Policy

History: November 14, 2018

Related Policies/Sources: [Americans with Disabilities Act – Current ADA Regulations](#), [Drug Free Workplace Act of 1988](#), [OSHR Workplace Violence Policy](#),

Contact Info: Department of Human Resources, 919-530-6334, employeerelations@ncu.edu

1. Purpose

1.1 The purpose of the policy is to ensure a safe workplace for all NCCU employees. A safe workplace will ultimately aid in providing a safe environment for the NCCU community.

1.2 According to the Americans with Disabilities Act (ADA), the University may require a medical examination of the employee under certain circumstances, if the examination is job-related and consistent with a business necessity. The University must have a reasonable belief that: (1) the employee is unable to perform essential job functions in a manner that is safe for the employee and other employees; or (2) the employee poses an immediate and direct threat to themselves, others, or property.

2. Scope

This policy applies to all University employees, including, SHRA^[1], EHRA^[2] faculty and EHRA non-faculty employees.

3. Definitions

3.1 **Fit for Duty:** An employee's ability to perform work-related duties in a manner that is safe for the employee and other employees.

3.2 **Employee:** All faculty and staff employed by the University, in a

permanent position, whether full-time or part-time.

3.3 Supervisor: The individual who supervises the employee who is being asked to submit to a fitness for duty examination pursuant to this policy.

3.4 Department Head: The administrative or academic head of an academic or administrative unit, i.e., dean, director, etc.

4. **Procedures**

4.1 An employee's supervisor will request a medical evaluation of an employee when the supervisor reasonably believes that the employee either poses a direct, immediate threat to themselves or others, or that the employee cannot perform essential job duties. The evaluation serves the purpose of determining if an employee is fit to carry out their work duties.

4.2 The University has the responsibility to maintain the confidentiality of all medical evaluations. The University may place an employee on investigatory or administrative leave [§31](#) while the University determines if the employee can return and resume his or her job duties.

4.3 The department is responsible for all costs regarding the evaluation.

4.4 The employee must comply with all treatments or conditions required to return to work.

4.5 The procedure for evaluations for determination of an employee's fitness for duty is as follows:

4.5.1 Upon receipt of information regarding an employee's inability to safely perform work functions, the employee's supervisor shall notify the department head of his/her request for the employee to submit to a fitness for duty examination.

4.5.2 Upon review of the information by the department head, he or she will notify the next highest level administrator (Vice Chancellor, Chief Officer, Director) of the college, school, division or department of the request for the employee to submit to a fitness for duty examination.

4.5.3 Upon receipt of the information from the department head, the Vice Chancellor/Chief Officer/Director will meet with the Chief Human Resources Officer to determine if an evaluation is needed.

4.5.4 If the Vice Chancellor/Chief Officer/Director determines that an evaluation is needed, the Chief Human Resources Officer will notify the employee of the need for the evaluation and explain to the employee the conditions of the evaluation.

4.5.5 The evaluation will be conducted by an independent, licensed healthcare professional.

4.5.6 Based on the results of the evaluation, the Vice Chancellor/Chief Officer/Director and the Chief Human Resources Officer will determine if it is suitable for the employee to return to campus or if any conditions are to be met prior to the employee's return.

5. **Cooperation**

Employees are required to cooperate in every aspect of the evaluation, which includes: providing necessary paperwork, partaking in the evaluation and satisfying any conditions required by the University based on the evaluation. If an employee refuses in any way to cooperate with the evaluation, then the University may proceed with a disciplinary or administrative action against the employee, up to and including dismissal, in accordance with the University's policies and regulations.

[1] SHRA means State Human Resources Act. SHRA employees are those employees who are subject to the State Human Resources Act.

[2] EHRA means Exempt from the State Human Resources Act. EHRA employees are not subject to the State Human Resources Act.

[3] The type of leave an employee may be placed on is dependent on the individual's employment classification (i.e., SHRA, EHRA).