Department of Public Safety
Policies and Procedures

Title
Fitness for Duty

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I. Purpose: To provide guidance regarding University of Cincinnati Police Division ("UCPD")-specific practices related to return to work, the reporting of substance use that may impair job performance, and fitness for duty evaluations.

II. Policy: As with all other applicable University of Cincinnati ("University") policies, UCPD follows the University’s Return to Work Policy – 21.26 and the Reasonable Cause Drug and Alcohol Testing Policy – 15.06. This guidance provides additional information regarding UCPD-specific procedures related to these policies. Furthermore, this guidance prescribes the circumstances under which a UCPD employee may be referred for a fitness for duty evaluation. This guidance applies to all UCPD employees who are not covered by a collective bargaining agreement that contains contrary language.

III. Procedure:

A. Work-related illness of injury
   1. An employee who has an occupational/work-related injury or illness must report the incident to his or her supervisor as soon as possible, but not later than 24 hours after the occurrence.
   2. The employee’s supervisor must notify University Human Resources at 556-6381 whenever a work-related injury or illness occurs.
   3. The employee and the supervisor must complete the University of Cincinnati Initial Report on Work-related Injury or Illness [Form # A-1352(a)] regardless of the extent of injury or illness.
      a. For a documented work-related illness or injury, the supervisor may initiate the form on behalf of the employee.
      b. If it is not clear to the supervisor that the injury or illness occurred while the employee was on-duty, the supervisor will have the employee complete the form.
   4. The supervisor should process this form according to the instructions printed on the form.
   5. Forms can be obtained from:
      a. the Departmental Business Office
      b. Environmental Health and Safety Web Page (https://ehs.uc.edu)
      c. Environmental Health and Safety (556-4968)

B. Return To Work
   1. As with all other applicable University-wide policies, UCPD follows the WORK-RELATED INJURIES AND ILLNESSES 12.2.
   2. Specifically, in the event an employee experiences a work-related illness or injury and files a Workers' Compensation claim, the following applies:
      a. The UCPS Business Office (“Business Office”) will coordinate with the employee and the University’s Central Human Resources Benefits Department regarding the claim, including providing assistance with submitting the “University of Cincinnati Initial Report on Occupational/Work-Related Injury or Illness.”
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b. The employee may be responsible for medical charges until or unless the Bureau of Workers’ Compensation and the University’s Managed Care Organization authorize treatment.

3. All UHS Return to Work Forms are to be provided to the UCPS Business Office for processing. For return statuses with work restrictions, modified duty will be determined and authorized through the UCPS Business Office and the Chief of Police or Director of Public Safety.
   a. Unless authorized by the Chief of Police, an employee on restricted duty shall not work or be assigned, any special event detail or overtime assignment. This includes uniform, plain-clothes security, or dignitary protection detail (See UCPD Light Duty Status Form 7).

C. Reporting of Substance Use That May Impair Job Performance
   1. As with all other applicable University-wide policies, UCPD follows the University’s Reasonable Cause Drug and Alcohol Testing Policy – 15.06.
   2. When an employee must use any substance or drug, including prescription or over-the-counter medication, that has the potential to impair job performance, the employee shall inform University Health Services (UHS) and indicate the known side effects of the substance or drug, and the employee’s anticipated period of use. UHS will assess the medication list to ensure the employee is fit for duty.
   3. If UHS determines that the employee’s use of the substance or drug will impair their ability to safely perform their job duties, the employee may be temporarily reassigned to other duties, if appropriate and available, or be required to take leave.
   4. Failure to fully and timely comply with this requirement may be cause for disciplinary action, up to and including termination.

D. Fitness for Duty Evaluation
   1. If an employee is having observable difficulty performing work duties in a manner that is safe for the employee and/or co-workers, or is posing an imminent and serious safety threat to self or others, the employee’s supervisor may refer the employee for a fitness for duty evaluation. The determination by a supervisor to refer an employee for a fitness for duty evaluation must involve consultation with the Central Human Resources Labor Relations Department, unless the situation requires immediate attention.
   2. An impartial, independent health care professional chosen by the University with appropriate expertise will conduct the fitness for duty evaluation. UCPD will pay the cost of the fitness for duty evaluation.
   3. An employee referred for a fitness for duty evaluation will be relieved of their duties pending the results of the fitness for duty evaluation.
      a. If the employee is found to be unfit for duty, their employment status will be determined on a case-by-case basis, in accordance with University policy and procedure and in consultation with Labor Relations.
      b. An employee’s pay status while the fitness for duty evaluation is being determined will be dependent on the employee’s employment status and the facts of the case.
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c. Prior to returning to work, the employee must provide UCPS Business Office documentation from the health care professional who conducted their fitness for duty evaluation stating that the employee is fit for duty.

4. If an employee does not comply with a request for a fitness for duty evaluation, such noncompliance may constitute insubordination and result in disciplinary action, up to and including termination.

5. Referral of an employee for a fitness for duty evaluation is not a substitute for other University policies or procedures related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct, disciplinary action, up to and including termination, may occur.

References

UC WORK-RELATED INJURIES AND ILLNESSES 12.2
UC Reasonable Cause Drug and Alcohol Testing 15.06