

STAFF HIRING AND EMPLOYMENT POLICIES

FITNESS-FOR-DUTY EVALUATION: POLICY AND PROCEDURES

Policy

The university endeavors to provide a safe and productive work environment for the benefit of all members of the university community. Staff are expected to manage their health in such a way that they can safely and effectively perform their essential job functions and to discuss with their supervisor any circumstances that may impact their ability to do so. The university may require professional evaluation of an employee's physical or mental capabilities to determine his or her ability to perform essential job functions. Such evaluations are conducted by an independent, third-party, licensed health care professional and are undertaken only after careful review by USC Personnel Services. To the extent possible, the university will protect the confidentiality of the evaluation and results.

Personnel Services will

- review the circumstances that led to the referral for an evaluation,
- determine whether or not a fitness-for-duty evaluation is necessary,
- select the health care professional who will perform the evaluation,
- notify the employee in writing if an evaluation is deemed necessary, and
- review results and determine what, if any, action is appropriate.

If the evaluation by a health care professional concludes that the employee is not able to perform the essential functions of his or her position, Personnel Services will work with the employee and employing department to determine if there is a reasonable accommodation that will allow the employee to continue working. If an appropriate accommodation cannot be made, other options (for example, placing the employee on medical leave or termination of employment) may be considered and will be communicated to the employee by Personnel Services.

This evaluation process is for only those situations where reliable observation indicates that the employee may not be physically or mentally able to perform the essential functions of his or her position due to a physical or mental condition. It is not intended to be a substitute for sick or medical leave requests, workers' compensation claims, allegations of violence in the workplace, situations where there is an immediate threat of harm or for performance management or disciplinary processes. Supervisors should continue to address performance problems through the performance appraisal process and implement corrective or disciplinary action as appropriate.

If you have any questions about this policy, how to identify essential job functions, or fitness-for-duty matters generally, please contact Personnel Services on the University Park campus at (213) 821-8111 or on the Health Sciences campus at (323) 442-1010.

Related Policies and Resources

Work-Related Injuries or Illness

All matters relating to a job-related illness or injury must be referred to the Workers' Compensation Office at (213) 740-6205. This includes, but is not limited to, benefits eligibility, medical certifications, the length of the leave, return to work, and accommodation for return to work.

Issued by: Todd R. Dickey
Senior Vice President for Administration

Date issued: January 1, 2008

Disability Benefits

The disability programs available to staff employees as well as procedures for applying for benefits are explained in the "Your Benefits" booklet. Questions about disability benefits should be directed to (213) 740-5875.

Acts of Violence in the Workplace

The university's policy regarding acts of violence in the workplace covers such behavior as acts of violence, intimidation, and inappropriate aggression, which must be immediately reported to Career and Protective Services at (213) 740-6204. Please refer to the policy for information about the types of behavior covered under that policy and how to make a complaint. If an alleged act of violence appears to represent an immediate threat of harm to any individual, it should also be reported immediately to the USC Department of Public Safety at (213) 740-4321, or may be reported concurrently to the university's Department of Public Safety and an appropriate law enforcement agency (e.g., Los Angeles Police Department).

Issued by: Todd R. Dickey
Senior Vice President for Administration
Date issued: January 1, 2008

Fitness-for-Duty Evaluation: Procedures

If, by observation of an employee's behavior or by receipt of reliable information, the university has reason to believe that an employee may lack the ability to perform the essential functions of his or her position due to a physical or mental condition, the following steps will be taken:

1. The supervisor or other appropriate department personnel will provide Personnel Services with detailed information regarding the reason for and circumstances leading up to the fitness-for-duty referral, including information on essential job functions, evidence of the employee's inability to perform those functions effectively, and any attempts at resolving the matter.
2. The Director of Personnel Services (or his/her designee) will review the information provided in the referral, along with a current job description of the essential functions of the employee's position and a current Job Information Questionnaire. If it is determined that a fitness-for-duty evaluation is necessary, the director or designee will notify the employee in writing.
3. Personnel Services will determine the independent, third-party, licensed health care professional who will perform the evaluation, send a written request for an evaluation to him or her, and will schedule the evaluation at the earliest opportunity.
4. Failure on the employee's part to comply with a scheduled fitness-for-duty evaluation may constitute insubordination and be cause for disciplinary action, including termination.
5. All costs of the health care services performed by the health care professional as part of the evaluation will be paid by Personnel Services.
6. If Personnel Services deems it necessary, the employee may be placed on temporary, paid administrative leave until the evaluation is completed.
7. The employee will be requested to sign a voluntary written authorization (Appendix A) allowing the health care professional to provide certain information obtained through the evaluation to the university. If no authorization is executed, the university may nevertheless obtain a description of the functional limitations of the employee that may limit the employee's ability to perform the essential function of his or her job, but no statement of medical cause may be disclosed.
8. Insofar as feasible, the results of the evaluation will be treated as confidential, kept in a separate file within Personnel Services, and the minimum necessary information will be shared only with those who need to know the results for legitimate business purposes.
9. If it is determined that the employee is not able to perform the essential functions of his or her position, Personnel Services will attempt to determine if there is a reasonable accommodation that will allow the employee to continue working. If an appropriate accommodation cannot be made other options will be identified and communicated to the employee.
10. If it appears that any functional limitations on the employee's ability to perform the essential functions of his or her position are the result of a work-related injury, the matter will be referred to the Workers' Compensation Office for the processing of a workers' compensation claim.
11. All actions taken in carrying out this policy will comply with state and federal laws, as well as university policies and procedures and applicable contractual provisions.

Evaluation and Results

The fitness-for-duty evaluation will not be conducted for purposes of diagnosis or treatment, but rather for purposes of determining an employee's ability to perform the essential functions of the job. Personnel Services will provide the evaluator with a description of the essential functions of the employee's position prior to the evaluation. The evaluator will be asked by the Director of

Personnel Services to release only that information as permitted under this policy or otherwise permitted or required by law. The evaluator will be asked to complete a written report containing only the following information:

- A conclusion regarding the determination of fitness for duty;
- A description of the nature and extent of any functional limitations on the employee's ability to perform his or her job;
- A description of the expected duration of each such functional limitation; and
- An opinion as to whether or not the functional limitation may be the result of a work-related injury as related by the employee; further medical examination or investigation may be necessary to determine if the functional limitation arises out of, or has been caused by, the employee's occupation.

Insofar as feasible, the results of the evaluation will be treated as confidential, and will be shared only with those who need to know the results for legitimate business purposes. However, where the employee has placed at issue his or her medical history, mental or physical condition, or treatment, relevant information may be used and disclosed by the university in connection with such proceedings.

The university will make a decision regarding the employee's status, including but not limited to the employee's return to duty or the removal of the employee from any duties pending treatment and re-evaluation, depending upon the results of the evaluation and the recommendation of the evaluator.

If you have any questions about this procedure, or fitness-for-duty matters generally, please contact Personnel Services on the University Park campus at (213) 821-8111 or on the Health Sciences campus at (323) 442-1010.