

POLICY TYPE: Human Resources

POLICY TITLE: Fitness for Duty

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Responsible Administrator: Vice President of Human Resources

Location of Related Procedures: Office of Vice President of Human Resources

Madison Area Technical College (“Madison College”) is committed to providing a workplace that is safe and welcoming for all of its employees. Because of this, Madison College expects that all employees are able to perform their jobs in a safe, productive, and effective manner. If an employee is not fit for duty on the job, he or she may present a hazard to themselves, other employees, and the community. The following policy is not intended to be punitive, but to ensure that employees access the assistance they need to maintain or regain fitness for duty.

#### Definition

*Fitness for duty* shall be defined as the mental, physical, and emotional status to carry out the essential functions and job-related responsibilities of a job, with or without reasonable accommodation, in a safe, productive, and effective manner. Being fit for duty protects both the health and well-being of employees and students at Madison College.

*Unfit for duty* shall refer to the condition in which employees are unable to perform the essential functions and job-related responsibilities of a job, with or without reasonable accommodation, in a safe, productive, and effective manner.

Behaviors that may signal an employee is unfit for duty include, but are not limited to, changes in physical dexterity, coordination, or speech; confrontations with co-workers and/or students; decreased productivity; poor attendance; and, threats or acts of violence.

#### Employee Responsibilities

- Employees are responsible for reporting to work in a manner that allows the safe and effective performance of essential job functions and job-related responsibilities.
- Employees will follow all policies relating to a healthy and safe workplace, including, but not limited to, Madison College’s Alcohol and Drug Abuse Policy (#315); and, its Drug Free Workplace Policy (#407).
- Employees should inform their supervisors when they are mentally, physically, or emotionally unfit for duty.
- Employees should notify their supervisors if they see a co-worker act in a manner that presents a hazard to themselves, other employees, or the community.

#### Supervisor Responsibilities

- Supervisors will monitor the behavior of employees to ensure that they are fit for duty.
- Supervisors will follow Madison College's policies and procedures for handling employees who are unfit for duty. This includes maintaining employee confidentiality to the greatest extent possible.

Procedure

1. To assist in the determination of whether or not an employee is unfit for duty, the supervisor must:
  - a. Observe the employee behaving in a manner that is unfit for duty; or,
  - b. Receive a reliable report from a co-worker about an employee who is behaving in a manner that is unfit for duty. The reliability of the report will be assessed based on the co-worker's relationship with the employee, the severity of the claim, and the possible motivations the co-worker may have for reporting this behavior; or,
  - c. Receive a reliable report from a student(s) about an instructor (or other employees who come into contact with students) who is behaving in a manner that may be unfit for duty. The reliability of the report will be assessed based on the student's relationship with the employee, the severity of the claim, and the possible motivations the student(s) may have for reporting this behavior.
2. The supervisor will document the date, time, and nature of the observation and report this to Human Resources. Public Safety Services may also be contacted for assistance.
3. The supervisor, along with a Human Resources Generalist, will consult the employee who demonstrated the behavior to inquire as to the reason for his or her actions.
4. After consulting with the employee, Human Resources will do one or more of the following:
  - a. Contact Public Safety Services, if a crime may have been committed;
  - b. Refer or require the employee to contact the Employee Assistance Program, if the employee has not committed a crime but is unfit for duty; or,
  - c. Require a fitness for duty assessment by a health care provider chosen and paid for by Madison College.
5. If the employee has exhibited performance issues, the supervisor and Human Resources will periodically evaluate whether the essential duties and job-related responsibilities of the position are being performed satisfactorily, and if a performance improvement plan is in place, that it is being followed.
6. Nothing in this policy overrides rights provided to employees through other applicable contracts or policies, including the right to grieve the application of this policy under applicable grievance procedures.

*March 2014*