

POLICY: 6Hx28: 3D-06.2



Responsible Executive: Vice President,
Organizational Development and Human
Resources

Policy Contacts: Assistant Vice President,
Equity and Access

Specific Authority: 1001.64, F.S.

Law Implemented: 1001.64, F.S.

Effective Date: 02-24-2021

Date of Last Policy Review: 02-24-2021

Fitness for Duty

**Policy
Statement:**

- I. Valencia College (“College”) is committed to promoting a healthy and safe workplace. To achieve this goal, employees are responsible for managing their health and reporting to work fit for duty. Fit for duty is defined as being physically and mentally capable to perform the essential job functions, with or without a reasonable accommodation, and to do so in a safe, productive, and effective manner.
- II. The College may require an employee to complete a fitness for duty evaluation for those circumstances where the employee’s continued presence at the worksite may pose a serious health and/or safety threat to themselves, others, or property; or may interfere with the College’s ability to effectively provide services. These circumstances may include:
 - A. An employee notifies their supervisor or other employees their circumstances and/or that they are not fit for duty;
 - B. An employee observed having difficulty performing their essential job functions in a safe and/or effective manner; and/or
 - C. An observer has reasonable suspicion that an employee may be under the influence of drugs and/or alcohol or other factors including and not limited to physical, emotional, or mental impairment.
- III. The College President, or designee(s), shall establish procedures to implement this policy.

Policy
History:

Adopted 1-19-83; Amended 11-18-92; Amended 4-20-94; Amended 4-16-13; Amended 2-24-21;
Formerly 6Hx28:07-14

Related Documents/Policies:

College Policy 6Hx28: 02-02 Workplace Accommodations for Applicants and Employees

College Policy 6Hx28: 3D-02 Leaves of Absence

College Policy 6Hx28: 3D-06.3 Workers' Compensation and Illness or Injury In Line of Duty Leave

College Policy 6Hx28: 3E-08 Disciplinary Action

Procedures:

- I. Supervisors who observe or are informed that an employee may pose a health and/or safety threat to themselves, others, or property must consult with a representative from Organizational Development and Human Resources (ODHR) Regional Solution Center or Equal Opportunity Office to evaluate the facts and determine whether a fitness for duty evaluation is warranted or other appropriate action is necessary.
 - A. An employee is responsible for notifying their supervisor, designee, or a representative from ODHR when they observe another employee acting in a manner that may pose a health and/or safety threat to themselves, others, or property for evaluation and appropriate action as deemed necessary, which may include without limitation drug and/or alcohol testing.
- II. If there is sufficient information that an employee may be unfit for duty, the employee shall be notified of the requirement of the fitness for duty evaluation. The employee notification may include a transportation plan to the evaluation site and placement on an administrative leave of absence in accordance with College Policy 6Hx28: 3D-02 Leaves of Absence. The employee may also be referred to the Employee Assistance Program for support during the fitness for duty evaluation process. For circumstances where there is an immediate concern for the health and/or safety of the employee and/or others in the workplace where emergency services is contacted, the supervisor must consult with a representative from ODHR Regional Solution Center or Equal Opportunity Office to collaboratively evaluate facts and next steps for appropriate action.
 - A. An employee involved in a work-related accident or injury may also be required to submit to a post-accident drug and/or alcohol test.
 - B. Refusal on the part of the employee to complete any portion of a fitness for duty

evaluation including rescheduling or cancelling any appointments may be considered insubordination and may result in disciplinary action up to and including termination to include suspension of workers' compensation benefits, if applicable.

1. Rescheduling or cancellation of the fitness for duty evaluation appointment by the employee may result in the employee being placed on an unpaid leave of absence and the employee may be authorized to utilize available personal or vacation leave for this period.
2. For additional information on a work related injury or illness, see College Policy 6Hx28: 3D-06.3, Workers' Compensation and Illness or Injury In Line of Duty Leave. For additional information on disciplinary action, see College Policy 6Hx28: 3E-08 Disciplinary Action.

- III. A qualified impartial, independent, healthcare or other suitable provider(s) with appropriate expertise shall perform the fitness for duty evaluation, which may include one or more of the following areas: medical, psychological, alcohol, or other drug conditions. The College shall incur the cost of fitness for duty evaluations.
- IV. Fitness for duty results shall be evaluated on an individual basis for appropriate action and medical information shall be protected from inappropriate disclosure in a manner that ensures compliance with all relevant laws and College policies. After an evaluation, the supervisor and employee shall be informed if the employee may return to full duty or not return to full duty.
 - A. If it is determined after a fitness for duty evaluation that an employee is able to return to full duty and perform the essential functions of their job, the employee may return to work and the College has the discretion to provide the employee with other available resources (i.e. Employee Assistance Program, training, etc.).
 - B. If it is determined after a fitness for duty evaluation that an employee is unable to perform the essential functions of their job, the College may engage in an interactive process for potential reasonable accommodation options in accordance with College Policy 6Hx28:02-02 Workplace Accommodations for Applicants and Employees.
 - C. If it is determined after a reasonable suspicion fitness for duty test that an employee tests positive for drugs and/or alcohol, the employee may be subject to disciplinary action up to and including termination from employment. For additional information on disciplinary action, see College Policy 3E-08 Disciplinary Action.

Procedure History:

Adopted 2-24-21

Date of Last Procedure Review: 02-24-21