

***The college shall assure that all employees are aware of, and adhere to, their work assignments (ARS 15-1445).***

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Staff members will perform work assignments as determined by their supervisors to ensure efficient utilization of the college workforce. Staff members who complete their work must report to their supervisors for other tasks to perform. Refusal or failure to follow a supervisor's request could be considered insubordination and may lead to disciplinary action.

*Date of Adoption: Adoption of Manual*

*References: ARS 15-1445  
29 U.S.C. 213, The Fair Labor Standards Act*

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#### Fitness for Duty

Mohave Community College endeavors to provide a safe work place for the benefit of all members of the College community. In order to provide a safe work environment, employees must be able to perform their job duties as outlined in the position specification document in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to the College or to the public. The purpose of this fitness for duty procedure is to establish procedures by which the College will evaluate an employee's fitness for duty when an employee is:

- Having observable difficulty performing work duties in a manner that is safe for the employee, for the employee's coworker, for the College, or for the public, as determined by the supervisor; or
- Posing an imminent and serious safety threat to self or others.

#### Employee Responsibilities

1. Employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities.
2. Employees must come to work fit for duty and must perform their job responsibilities as outlined in the position specification document in a safe, secure, productive, and effective manner during the entire time they are working.
3. Employees are responsible for notifying their supervisors when they are not fit for duty.
4. Employees are responsible for notifying the supervisor when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform the upper level manager or may call Human Resources for further guidance.

#### Employer Responsibilities

1. Supervisors are responsible for observing the attendance, performance, and behavior of the employees they supervise.
2. Supervisors/managers are responsible for following this policy's procedures when presented with circumstances or knowledge that indicate that an employee may be unfit for duty.
3. Human Resources is responsible for maintaining the confidentiality of medical records. Any document containing medical information about an employee is considered a medical record and is regarded as confidential and will be maintained in a file separate from all other employee records.

#### Process

The supervisor who receives reliable information that an employee may be unfit for duty, or through personal observation believes an employee to be unfit for duty, will validate and document the information or observations as soon as is practicable. Actions that may trigger the need to evaluate an employee's fitness for duty include, but are not limited to, altered levels of dexterity, coordination,

concentration, memory, alertness, vision, speech, or inappropriate interactions with coworkers or supervisors, inappropriate reactions to criticism, or suicidal or threatening statements.

The supervisor will present the information or observations to the employee at the earliest possible time in order to validate them; and will allow the employee to explain his or her actions, or to correct any mistakes of fact contained in the description of those actions.

In situations where there is a basis to think that the employee is making threats to harm himself or herself or others, or is acting in a manner that is immediately dangerous to himself or herself or others, the supervisor shall contact local law enforcement authorities. Human Resources should be consulted regarding the fitness for duty procedure after the immediate safety issue has been addressed.

In all other circumstances the supervisor shall complete a Supervisor's Fitness for Duty Request form and forward it to Human Resources. Based on the descriptions provided by the supervisor, Human Resources will determine whether a fitness for duty evaluation is required and, if so, the type of evaluation needed and the type of health service provider to make the evaluation. Human Resources will then provide a form to the supervisor containing the evaluation information, and the supervisor will convey the form to the employee. Human Resources will also determine the type of leave to be used during the evaluation process.

Human Resources will provide a form for the designated health service provider for completion to certify whether the employee is fit to return to work. The health service provider form will include a description of the circumstances leading to the request for evaluation, and a list of the employee's relevant duties. Human Resources may facilitate communication with the health service provider as necessary. The employer will be responsible for the cost of the fitness for duty evaluation not covered by the employee's health plan.

Based on information provided by the health service provider, Human Resources will advise the supervisor whether the employee should return to work and, if so, the conditions of return, including whether the employee must attend a re-entry conference with the supervisor and a Human Resources rep, and whether additional follow-up meetings are necessary. The final decision on whether a provider's certification will be accepted lies with Human Resources. A second independent health service provider certification may be requested in some cases. The employer will be responsible for the cost of the second independent provider's certification.

The employee must comply with all aspects of the fitness for duty and evaluation procedures, including furnishing necessary consent and release forms to the health service provider. Noncompliance may be grounds for disciplinary action up to and including termination. Information will be requested from the health service provider regarding work restrictions that may be required upon the employee's return to work. Situations involving violations of College policies or practices may result in disciplinary action.

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*References:*            *ARS 15-1445*