The JOHNS HOPKINS UNIVERSITY

Procedures for the Fitness for Duty Policy

In circumstances where a fitness for duty evaluation may be initiated, the University will proceed appropriately, with reference to the following procedure:

1. The referring manager or supervisor should consult in advance with human resources and the Faculty and Staff Assistance Program (FASAP) when appropriate about how and whether to speak with the employee about requiring a fitness for duty evaluation or other employment actions. As circumstances permit, the referring manager or supervisor should meet with the employee and make a judgment about the health and safety risk.
   a. If it is determined that the employee's situation presents a minimal safety risk and is unlikely to interfere with the performance of his/her job, the employee may be encouraged to voluntarily make a self-referral to OHS or FASAP.
   b. If it is determined that the circumstances may present a significant risk, the employee must be removed from duty immediately.

2. Employees removed from duty, may be subject to disciplinary action, up to and including suspension or discharge, consistent with University policy.

3. In situations where an employee is not immediately terminated, the employee will be required, as a condition of employment, to report to OHS for a fitness for duty evaluation, and may be required to report to FASAP as circumstances warrant.

4. An employee who is removed from duty waiting to be examined by FASAP or OHS, may use available sick time for non disciplinary actions. Employees that are suspended for a disciplinary action and are waiting to be examined by FASAP or OHS, will be in an unpaid status.

5. An employee who is referred for a fitness for duty examination is required to cooperate with OHS and FASAP personnel and to sign any required consent and release forms. The forms used at OHS are consents to collect a urine drug screen. Drug screening is performed at the request of HR or if clinically indicated by OHS/FASAP. Consent is also required for OHS to discuss an employee’s fitness for duty issues with FASAP and/or other health care providers. The Employee Drug Test consent form is reviewed, signed, and dated by the employee. By signing and dating the form, the employee is consenting to submit a breathalyzer and/or to provide a urine and/or blood specimen for drug testing. A medical review officer selected by JHM will review the results and report them to OHS. The Authorization for Exchange of Health Information between Johns Hopkins Occupational Health and Health Care Provider form is
reviewed, signed, and dated by the employee. This form authorizes Johns Hopkins OHS to release the employees’ health information to any health care provider that they visit regarding their health condition, and for any such health care provider to release their health information to Johns Hopkins OHS, all for the purpose of addressing their health condition. Failure to sign these consents or submit to testing may result in disciplinary action, up to and including termination. When it is determined by OHS that the employee will additionally be referred to FASAP for an evaluation, FASAP will require a release of information to speak with the employee’s referring manager or supervisor in advance of the appointment to gather a contextual understanding of the workplace concern.

6. In making a fitness determination, OHS must ask for a job description and must consider the actual job duties of the position when determining the need for restrictions. OHS may consult with other offices such as Health and Safety, FASAP, or Disability Services. If the employee has a medical condition or psychological condition that is chronic and which is substantially limiting at least one major life activity, OHS must refer the employee to the Disability Services Office and should assist with the contact to that office. That Office will engage in the interactive process with the employee and will determine, with the employee’s request, a reasonable accommodation for the workplace. Recommendations for restrictions or other adjustments need to be considered when putting in place an accommodation plan.

7. OHS will report the results of the fitness for duty evaluation in writing to the referring manager. The report will indicate one of the following: (1) the employee is fit for work without limitations; (2) the employee is fit for work with limitations; (3) the employee is not fit for work; or (4) the employee has been referred to Disability Support Services. The Fitness for Duty Report will not contain any personally identifiable medical information. The referring manager shall consult with human resources, OHS and FASAP regarding follow up with the employee. When FASAP is involved in the fitness assessment and recommends a fit with limitations status, the FASAP clinician may speak directly to the referring manager or supervisor to clarify the expected return to work projection and/or next steps to manage the process. If Disability Support Services is involved, that office will submit to the manager a Request for Reasonable Workplace Accommodations form.

8. An employee who is found to be fit for duty and who is in compliance with recommendations for medical, psychological or substance abuse treatment (including continuing random drug and alcohol testing if appropriate) will be returned to his/her job. In consultation with human resources, the manager may administer discipline, and when appropriate, impose conditions on continuing employment, consistent with University policy. Where appropriate, the manager and human resources should consult with FASAP and/or OHS in making determinations about placing conditions on continuing employment.

9. If an employee is found fit with limitations, the University will consider whether reasonable accommodations are required consistent with University policy and the Americans with Disabilities Act. If FASAP has assessed an employee is fit with limitations, FASAP may work with the employee and the referring manager on recommendations that support a successful
return to work. FASAP may continue to work with the employee until clinically indicated otherwise.

10. If an employee is found unfit for duty, the University will take appropriate action consistent with the particular circumstances, University policy and applicable law.
11. For emergency situations, employees may contact FASAP at 443-997-7000 to speak to a clinician on call. Employees may contact OHS at 410 955-6211.

12. Consider that employees seeking treatment may qualify for Family and Medical Leave. Each case should be assessed to determine if Family and Medical Leave is appropriate. Contact your Divisional HR office for guidance. The employee contacts the department to obtain the Family and Medical Leave paperwork.

13. OHS and FASAP may discuss with each other the employee’s evaluation including any conversations and reports from the employee’s health care providers. There are times the employee presents documentation from their health care provider which states the employee can return to work and OHS and FASAP are in disagreement with the employee’s health care provider. This may be, for instance, a cognitive/behavioral problem where the health care provider may not know the difficulties the employee is having in the work environment. At this time, OHS and FASAP may need to discuss their findings and evaluation with the employee’s health care provider. In situations where there is a disagreement between the employee’s health care provider and OHS and FASAP, OHS and FASAP, in consultation with legal counsel, will obtain the opinion of a third party. OHS and/or FASAP may refer the employee for further evaluation and/or testing. Upon returning to work, the employee must be cleared by Johns Hopkins OHS.

14. Employees that may be subjected to the for cause testing process, must adhere to the following processes. Bargaining unit employees should be advised to contact their union representative prior to going for the for cause testing.

   a. East Baltimore (School of Medicine and School of Public Health & Nursing) –

      From 7:30 AM to 4:00 PM contact the OHS charge nurse at 410-955-6211 who will instruct the supervisor where to meet with the employee. During “off hours”, weekends and holidays, please contact the JHH Centrex operator at 410-955-5000 and ask for the OHS RN on-call.

   b. Homewood/Eastern H.S./Mt. Washington-

      From 8:30 AM to 5:00 PM contact the OHS nurse at 410-516-0450 who will instruct the supervisor where to meet with the employee. During “off hours”, weekends and holidays, please contact the JHH Centrex operator at 410-955-5000 and ask for the OHS RN on-call.

   c. Bayview-
From 7:30 AM to 4:00 PM contact the OHS charge nurse at 410-955-6211 who will instruct the supervisor where to meet with the employee. For “off hours”, weekends and holidays, please contact the JHH Centrex operator at 410-955-5000 and ask for the OHS RN on-call.

d. Non-Baltimore City Locations Within Maryland-

Out-of-town supervisors need to call OHS at 410-955-6211 during 7:30 AM to 4:00 PM and the OHS RN on-call from 4:00 PM to 7:30 AM and on weekends. The OHS RN on-call can be reached through the Centrex operator, 410-955-5000.

e. All Locations Outside of Maryland-

Procedures for Johns Hopkins University locations outside of Maryland are to be developed by the responsible manager for the site, in consultation with Human Resources and Occupational Health Services. These procedures may serve as guidance.