

# ARCHDIOCESE OF CINCINNATI

## FIT FOR DUTY POLICY

### POLICY

The Archdiocese of Cincinnati and its affiliates (defined as any entity that is subject to the supervisory authority of the Archbishop of Cincinnati under Canon Law) expect all employees to report for work in a fit condition and to follow established standards in order to provide a safe and secure working environment for other employees, visitors, and students. Employees reporting to work in an unfit condition, or failing to follow established standards, will require management intervention. The purpose of this policy is to establish uniform procedures for managers to follow when an employee is determined **unfit for duty**. The Archdiocese and its affiliates will apply this policy in accordance with applicable law.

### RESPONSIBILITY

Office/Department Directors, Managers, Personnel, Principals, Health Services, Safety and Security

### DEFINITION

**Unfit for Duty:** Being unfit for duty means that an employee is not meeting job standards relating to conduct and/or performance, or is not able to perform the essential functions of the job with or without reasonable accommodations because of illness, disease, injury, alcohol or drug abuse. This includes failure or inability to comply with the established safety, medical and education standards, such as safety training and new employee orientation.

### PROCEDURE

#### 1. Management Intervention

When a supervisor determines that an employee may be unfit for duty, the supervisor will discuss his/her observation with the employee and the Human Resources Office and direct the employee in accordance with the guidelines and procedures outlined in this policy. If the employee refuses to comply with the Archdiocese/Affiliates requests which may include submission to a drug or TB test, medical examination, safety and educational requirements, such refusal to comply would establish the employee unfit for duty and subject the employee to discipline up to and including discharge.

#### 2. Health Status

- a. **ILLNESS** – Employees incapable of performing the essential functions of the job or making the required work contribution with or without reasonable accommodations due to poor health or illness will be determined **unfit for duty** and placed on a medical leave of absence. Before returning to work the employee must be seen by his/her personal physician for a medical evaluation. The result of the evaluation will assist the supervisor and the Human Resources Office in determining if the employee is **fit for duty**.
- b. **INJURY** – An employee injured while in the course and scope of employment should notify his/her supervisor immediately and seek the related appropriate medical treatment. Should the employee's physician deem the employee **unfit for duty** to perform the essential functions of the job or to make the required work contribution with or without reasonable accommodation, the appropriate Ohio Bureau of Workers' Compensation (BWC) forms should be filed.

- c. If the employee is able to return to work during the approved leave, the employee will be offered either the original position if available, or, unless applicable law requires otherwise, another position which he/she is qualified to perform.

If an employee is involved in an unexplained work-related accident or injury he/she will be required to take a drug screen.

### 3. Unexplained Behavior

Unexplained behavior by employees on the job, which may indicate a need for a drug screen, will be handled by the supervisor and Human Resources. Example of general warning signs that may indicate an employee is **unfit for duty**:

- Body:** Excessive sweating, tremors, dilated pupils, bloodshot eyes, irregular breathing, chills, flushes.
- Emotions:** Inappropriate laughing or crying, admitted anxiety, explosive anger, verbalized feelings of frustration.
- Actions:** Staggering, stumbling, sleepiness, compulsive but purposeless activity (dismantling and reassembling machinery).
- Thoughts:** Confused, illogical, lack of concentration, paranoia (suspiciousness, grandiose feelings), hallucinations.
- Speech:** Slurred, thick, talkative, rapid, loud.

If an employee exhibits any of the above warning signs he/she may be asked to submit to a drug screen.

An employee testing positive for illegal use of drugs will be considered **unfit for duty**, placed on a final warning and referred to a drug and alcohol program or may be terminated.

After rehabilitation, if an employee chooses to retain his/her employment and re-enter the work force, he/she must abide by the following employment conditions as outlined by the Director of Human Resources and the supervisor.

- o Random drug testing
- o Follow regimen of recommended counseling or treatment
- o Work restrictions as appropriate
- o Perform job duties and assignments up to standard
- o Abide by policies and procedures
- o Return to work agreement

The supervisor should meet periodically to monitor the employee's progress over a period of 18-24 months after the employee returns to work. Refusal of the employee to abide by the above requirements may result in the employee's termination of employment. As with medical exams, all drug screen information must be handled in a confidential manner to protect the privacy of the employee. Only personnel with a need-to-know should have access to information related to drug screening.

### 4. Safety Training and New Employee Orientation

The Archdiocese of Cincinnati and its affiliates are committed to providing a safe, secure environment for all employees, students, and visitors. Training in safe work practices and emergency measures is one way to maintain a safe environment. The Archdiocese and its

affiliates will adhere to the requirements outlined by Occupational Safety and Health Act (OSHA). All new employees must attend orientation and safety training.

## 5. Performance and Conduct

The success of the Archdiocese in providing the highest quality of work is directly related to the performance and conduct of each employee. In order to achieve this objective, each employee will be held strictly accountable for adherence to the established standards of performance and conduct.

- a. **PERFORMANCE** – When an employee’s overall performance falls below standard, the employee will be considered **unfit for duty** and placed on a 90-day review.
- b. **CONDUCT** – If an employee commits a serious infraction of Archdiocesan/Affiliate policy or continues to repeat infractions already disciplined, he/she will be considered **unfit for duty** and placed on a final warning for a period up to six months or may be terminated.

### **MODIFICATIONS AND EXCEPTIONS**

The Archdiocese of Cincinnati and its affiliates reserve the right to unilaterally modify this policy and procedure at any time. Any exception must have the approval of the Department Directors and be coordinated with Human Resources.

Nothing in this policy is intended to create a contractual obligation between the Archdiocese or its Affiliates and any employee, nor is it intended to alter the employment-at-will status of employment. While this policy sets forth a general management guideline, the Archdiocese/Affiliates reserve the right to terminate the employment relationship at any time, with or without prior notice.