

Technical Guide for Psychological Fitness for Duty (PFFD) Referrals to the Colorado State Employee Assistance Program (C-SEAP)

Psychological fitness for duty (PFFD) evaluations are a means for addressing situations in the workplace which are extraordinary in nature and where an employee may pose a direct threat to themselves or others in the workplace. They may also be used to determine an employee's psychological fitness to perform their essential job functions.

Because understanding and managing a PFFD involves a complex set of tasks, dependent on a professional level of knowledge about human behavior, the Colorado State Employee Assistance Program (C-SEAP) is responsible for the overall coordination of the PFFD evaluation process for the State. Additionally, C-SEAP provides consultation to Appointing Authorities (AA/designees), and human resource (HR) personnel regarding PFFD.

Depending on the circumstances, refusal by the employee to comply with a request for a PFFD evaluation may be grounds for corrective and/or disciplinary action, up to and including termination. If an employee's performance and/or behavior rise to the level of unacceptable work performance, grossly inefficient work performance, or unacceptable personal conduct, the PFFD process does not preclude management from pursuing appropriate action under the State Personnel Board Rules and Personnel Director's Administrative Procedures.

The following Technical Guide is intended for use in conjunction with the "Psychological Fitness for Duty (PFFD)" flow chart. The flow chart item is listed in the left column, and the corresponding procedures are detailed in the right column.

"Psychological" in "Psychological Fitness for Duty" includes cognitive, behavioral, substance abuse and related situations.

The key for acronyms used in this Guide are:

AA/designee = Appointing Authority/designee
PFFD = Psychological Fitness for Duty
C-SEAP= Colorado State Employee Assistance Program
HR = Human Resources
ROI = Release of Information
RTW = Return to Work

Flow Chart Items	Technical Guide
The AA/designee identifies an employee with behavioral problems	If an AA/designee has a reasonable belief, based on an employee's conduct, behavior and circumstances, that due to cognitive or psychological factors, which may or may not include substance abuse: (a) the employee's ability to perform the essential functions of his/her position is impaired, or (b) continued service by the employee may be a direct threat to the safety of that employee, other employees, or public safety, the AA/designee will

<p>The AA/designee consults with HR</p> <p>Is a PFFD evaluation warranted?</p> <p>If the AA/designee and HR determine a PFFD evaluation is warranted or they are unsure, the AA/designee and HR consult with C-SEAP</p> <p>If a PFFD evaluation will be completed, the AA/designee meets with the employee and makes the PFFD referral to C-SEAP</p> <p>If a PFFD evaluation will <i>not</i> be completed, a formal referral is made to C-SEAP or other action is taken</p>	<p>consult with HR to determine an appropriate course of action. This may include removing the employee from the job pending a PFFD evaluation.</p> <p>At the discretion of the AA/designee, after identifying an employee with behavioral problems and prior to considering a PFFD evaluation, the AA/designee meets with the employee regarding the situation and obtains the employee's response and pertinent information.</p> <p>When PFFD is a consideration, C-SEAP provides consultation to identify the most appropriate and effective means for addressing employee issues related to behavior, psychological or substance abuse issues. PFFD evaluations must be job-related and consistent with business necessity. The AA/designee should be able to identify which specific job duties or functions are affected and/or in what way the employee presents a direct threat to self or others.</p> <p>In the absence of sufficient information to support a PFFD evaluation, the AA/designee should consider the option of making a formal referral to C-SEAP. Formal referrals to C-SEAP may be used to assess and resolve employee behavior concerns when an AA/designee notes adverse changes in job performance and/or personal conduct. This type of referral may also be used when management has identified an employee issue for which C-SEAP intervention is warranted to minimize disruption in the workplace or to defuse a potential workplace problem. Lastly, it is appropriate to make formal referrals for employees whose behavior raises concern regarding possible alcohol or substance abuse, or who have tested positive for alcohol or non prescribed controlled substances.</p> <p>Once determined that a PFFD evaluation is necessary, the AA/designee contacts C-SEAP to make the referral. C-SEAP is responsible for case managing the PFFD process with the employee, his/her AA/designee and HR. The case management process involves a multiplicity of coordination activities with all involved parties, including the AA/designee, HR, the employee, the evaluator and other personnel. C-SEAP is responsible for the recruitment and selection of qualified PFFD evaluators from the professional areas of psychiatry, neuro-psychiatry, psychology, neuro-psychology and other mental health disciplines.</p> <p>If the AA/designee and HR determine that the employee will <i>not</i> be referred for a PFFD evaluation, the AA/designee and HR will consult with C-SEAP about making a formal referral of the employee to C-SEAP or taking other action.</p>
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<p>Does the employee accept the PFFD referral?</p> <p>The employee accepts the PFFD referral</p> <p>The employee does not accept the PFFD referral</p>	<p>After making the decision to request a PFFD evaluation, the AA/designee in consultation with HR will determine whether leave is necessary and if so, the appropriate type of leave to place the employee on during the period of time the PFFD evaluation is completed.</p> <p>The AA/designee meets, or otherwise communicates with the employee, reviews the basis for making a PFFD referral to C-SEAP, advises the employee about leave, if appropriate, and provides the employee with C-SEAP's contact information. If the employee accepts the referral, the employee calls C-SEAP and schedules an appointment.</p> <p>The AA/designee provides to C-SEAP any additional information obtained since the initial consultation with C-SEAP regarding the case.</p> <p>If the employee does not accept the PFFD referral, the AA/designee consults with C-SEAP and proceeds with performance management and/or the corrective/disciplinary process if appropriate.</p>
<p>C-SEAP interviews the employee</p>	<p>C-SEAP meets with the employee in-person or by telephone, depending upon the circumstances. During this interview, the PFFD process is reviewed, C-SEAP's confidentiality policy and the ROI are explained, and the employee's perspective and information related to his/her situation is obtained.</p>
<p>C-SEAP coordinates the PFFD referral of the employee to the evaluator</p>	<p>C-SEAP collaborates with the AA/designee to identify and structure the evaluation referral questions which guide the evaluator's process, ensure the evaluation is job-related and consistent with business necessity, and increase the likelihood that report results will be useful and clear. C-SEAP will identify with the AA/designee and HR which collateral information is available and necessary, i.e., documentation pertaining to the basis for the referral, the PDQ, performance, etc.</p> <p>C-SEAP determines the type* of evaluation that is appropriate for the situation and schedules an appointment for the employee with the evaluator accordingly. C-SEAP reviews with the evaluator, the basis for the referral and the referral questions. C-SEAP also sends the <i>PFFD Referral Form</i>, relevant documentation, i.e., performance, behavior, PDQ, etc., to the evaluator prior to the employee's appointment.</p> <p>C-SEAP contacts the employee and provides the name of the evaluator, the appointment time and location. C-SEAP notifies the AA/designee of the appointment time for the employee's evaluation.</p> <p>*Types of evaluation may include psychiatric, neuro-psychiatric, psychological, neuropsychological and/or physical.</p>
<p>The evaluator completes the PFFD evaluation</p>	<p>The evaluator contacts C-SEAP with any questions or concerns in carrying out the evaluation, and in the event the evaluator needs additional information from collateral sources, C-SEAP will respond accordingly.</p>

	<p>C-SEAP also remains available to the employee to address questions or concerns he/she has regarding the PFFD process.</p>
<p>Can the employee perform his/her job safely and effectively?</p> <p>The evaluator will provide 1 of 3 types of PFFD determinations:</p> <ul style="list-style-type: none"> (1) <u>Fit for Duty</u> (2) <u>Fit for Duty - Provisional – may continue to work contingent upon completing treatment</u> (3) <u>Not Fit for Duty</u> 	<p>C-SEAP will review the evaluator’s findings and recommendations and obtain any necessary clarification.</p> <p>(Procedures are described for each type of PFFD determination below.)</p>
<p>(1) <u>Fit for Duty</u></p> <p>C-SEAP reviews PFFD report with the AA/designee/HR and creates plan.</p> <p>C-SEAP meets with the employee.</p> <p>A RTW meeting is scheduled.</p>	<p>In this type of PFFD determination, the employee is found fit for duty.</p> <p>C-SEAP provides the “<i>Evaluator’s PFFD Executive Summary</i>” to the AA/designee and HR. This summary includes the PFFD determination and corresponding recommendations. The Department should regard this report as confidential and store it separately from the employee’s personnel file with limited access.</p> <p>The evaluator’s <i>complete</i> report will be stored at C-SEAP in compliance with laws governing mental health records.</p> <p>C-SEAP meets with the AA/designee and HR in person or by telephone to review the evaluator’s findings. During this meeting, “next steps” and a plan of action are determined and agreed to by C-SEAP, AA/designee and HR.</p> <p>C-SEAP meets with the employee in person or by telephone and reviews the evaluator’s recommendations with the employee.</p> <p>The AA/designee contacts the employee and schedules a RTW meeting, in conjunction with HR and utilizing consultation with C-SEAP if necessary. The RTW meeting is held to ensure a smooth re-integration to the workplace by developing a RTW plan and addressing issues such as:</p> <ul style="list-style-type: none"> (1) A welcome back to work

<p>C-SEAP closes the case.</p>	<ul style="list-style-type: none"> (2) Changes that occurred since employee was gone (3) Modifications to schedule (4) Clarity on job assignments, performance expectations, status of projects and other pertinent information (5) Concerns or questions on the part of the employee or the AA/designee <p>C-SEAP closes the case.</p>
<p>(2) <u>Fit for Duty - Provisional – The employee may continue to work contingent upon following recommendations</u></p> <p>C-SEAP reviews PFFD report with the AA/designee/HR and creates plan.</p> <p>C-SEAP meets with the employee.</p> <p>A RTW meeting is scheduled.</p>	<p>In this type of PFFD determination, the employee is found fit for duty provisionally. The employee may RTW contingent upon his/her agreement to cooperate and follow all recommendations.</p> <p>C-SEAP provides the “<i>Evaluator’s PFFD Executive Summary</i>” to the AA/designee and HR. This summary includes the PFFD determination and corresponding recommendations. The Department should regard this report as confidential and store it separately from the employee’s personnel file with limited access.</p> <p>The evaluator’s <i>complete</i> report will be stored at C-SEAP in compliance with laws governing mental health records.</p> <p>C-SEAP meets with the AA/designee and HR in person or by telephone to review the evaluator’s findings and recommendations. During this meeting, “next steps” and a plan of action are determined and agreed to by AA/designee and HR and C-SEAP.</p> <p>C-SEAP meets with the employee in person or by telephone, reviews the evaluator’s recommendations with the employee, and creates a plan for recommended treatment. C-SEAP provides one or more of the following services to the employee as appropriate:</p> <ul style="list-style-type: none"> (1) Direct counseling service (2) Assistance with a referral to an external resource in the community (3) Support and treatment monitoring for the employee while he/she receives services from an external resource in the community <p>During this meeting with the employee, C-SEAP also addresses any concerns the employee may have about issues related to returning to work.</p> <p>The AA/designee contacts the employee and schedules a RTW meeting in conjunction with HR and C-SEAP. The meeting participants include the AA/designee, C-SEAP, the employee, and any other personnel the AA/designee deems necessary. This meeting is held to ensure a smooth re-integration to the workplace by developing a RTW plan and addressing issues such as:</p> <ul style="list-style-type: none"> (1) A welcome back to work (2) Changes that occurred since employee was gone (3) Modifications to schedule

<p>C-SEAP monitors and supports the employee.</p> <p>C-SEAP and the AA/designee – two way feedback</p> <p>C-SEAP closes case</p>	<p>(4) Clarity on job assignments, performance expectations, status of projects and other pertinent information</p> <p>(5) Concerns or questions on the part of the employee or the AA/designee</p> <p>C-SEAP continues to provide services and supports the employee in treatment through regular meetings with the employee, review of progress reports provided by any external treatment providers and additional collateral sources if available and appropriate.</p> <p>C-SEAP and the AA/designee sustain two-way feedback regarding the employee’s progress and work performance.</p> <p>C-SEAP notifies the AA/designee when the employee has successfully fulfilled the recommendations for treatment. The AA/designee schedules a follow-up meeting with the employee to finalize the process and acknowledge the employee’s successful completion of requirements.</p> <p>If the AA/designee reports that the employee is experiencing difficulties on the job and/or the employee is not following recommendations, C-SEAP and the AA/designee may consult further about options and create a plan of action.</p> <p>C-SEAP closes the case when appropriate.</p>
<p>(3) <u>Not Fit for Duty.</u></p> <p>C-SEAP reviews PFFD report with the AA/designee/HR and creates a plan.</p> <p>C-SEAP meets with the employee, if the employee is eligible for C-SEAP services.</p>	<p>In this type of PFFD determination, the employee is found not fit for duty.</p> <p>C-SEAP provides the “<i>Evaluator’s PFFD Executive Summary</i>” to the AA/designee and HR. This summary includes the PFFD determination and corresponding recommendations. The Department should regard this report as confidential and store it separately from the employee’s personnel file with limited access.</p> <p>The evaluator’s <i>complete</i> report will be stored at C-SEAP in compliance with laws governing mental health records.</p> <p>C-SEAP meets with the AA/designee and HR in person or by telephone to review the evaluator’s findings and recommendations. During this meeting, “next steps” and a plan of action are determined and agreed to by AA/designee and HR and C-SEAP.</p> <p>Provided the employee is eligible for C-SEAP services and if appropriate, C-SEAP creates a plan, with the employee, to meet recommendations. C-SEAP provides one or more of the following services to the employee as appropriate:</p> <ol style="list-style-type: none"> (1) Direct counseling service (2) Assistance with a referral to an external resource in the community (3) Support and treatment monitoring for the employee while he/she receives services from an external resource in the community

<p>C-SEAP monitors employee's plan, supports employee and provides feedback on employee's progress to AA/designee.</p> <p>C-SEAP reviews the employee's progress after a specified time period.</p> <p>Is the employee able to RTW?</p> <p>Yes, the employee is able to RTW. A RTW meeting is scheduled.</p> <p>No, the employee is not able to RTW. Consider options in consultation with HR.</p> <p>C-SEAP closes case</p>	<p>Provided the employee remains eligible for C-SEAP services, C-SEAP provides services and supports the employee in treatment through regular meetings with the employee, review of progress reports provided by any external treatment providers and additional collateral sources if available and appropriate.</p> <p>Provided the employee remains eligible, C-SEAP provides updates to the AA/designee as necessary and appropriate, regarding the employee's progress.</p> <p>After a specified period of time, a review will be made of the employee's progress. If the employee successfully follows all recommendations, C-SEAP consults with the involved collateral sources and makes a recommendation to the AA/designee regarding the employee's ability to RTW.</p> <p>The AA/designee contacts the employee and schedules a RTW meeting in conjunction with HR and C-SEAP. The meeting participants include the AA/designee, C-SEAP, the employee, and any other personnel the AA/designee deems necessary. This meeting is held to ensure a smooth re-integration to the workplace by developing a RTW plan and addressing issues such as:</p> <ol style="list-style-type: none"> (1) A welcome back to work (2) Changes that occurred since employee was gone (3) Modifications to schedule (4) Clarity on job assignments, performance expectations, status of projects and other pertinent information (5) Concerns or questions on the part of the employee or the AA/designee <p>C-SEAP continues to provide follow up services to the AA/designee and the employee as necessary after the employee's RTW. The case is closed with C-SEAP when deemed appropriate.</p> <p>C-SEAP will notify the AA/designee regarding employee's inability to RTW. The AA/designee will consult with HR to determine the next plan of action.</p> <p>C-SEAP closes case.</p>
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