

# Universal State Personnel System Policy

## PSYCHOLOGICAL FITNESS FOR DUTY (PFFD)

July 19, 2010

### Philosophy

The State of Colorado believes:

- In providing a productive and safe workplace for State employees and the communities in which they work and live is a benefit to all.
- Employees who are not fit for duty may present a direct threat to themselves, to other employees, to the State, and/or to the public.
- In the use of a Psychological Fitness for Duty (PFFD) program for employees, who may pose a direct threat to themselves or others, as a proactive approach to ensure the safety and viability of the workplace.
- That PFFDs can also be used to assist in the determination of an employee's psychological fitness to perform their essential job functions.

### Purpose

The purpose of this policy is to establish consistent procedures for ordering and implementing PFFD evaluations of state employees. The decision to order and implement PFFD evaluations is an extraordinary step and should be made carefully on a case-by-case basis. Under no circumstances may this policy be construed as establishing a requirement that a PFFD evaluation be conducted.

This policy is intended to provide a mechanism for the objective assessment of an employee's mental and emotional ability to perform the essential functions of their position when, based on the employee's conduct, behavior and circumstances, there is a reasonable belief that the employee's ability to perform essential job functions is impaired, or that continued service by the employee may be a direct threat to the safety of that employee, other employees, or public safety. This policy applies to all classified State of Colorado employees.

PFFD evaluations must be job-related and consistent with business necessity. 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 supervisors, managers, appointing authorities, executive directors and human resource personnel regarding PFFD.

### Procedure

**Appointing authorities/designees should consult with HR to determine an appropriate course of action regarding the use of PFFD including removing the employee from the job pending a PFFD evaluation if:**

An appointing authority/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:

1. The employee's ability to perform the essential functions of his/her position is impaired; or
2. Continued service by the employee may be a direct threat to the safety of that employee, other employees, or public safety.

**If PFFD is a consideration:**

- 1) The appointing authority/designee should be able to identify which specific essential job duties or functions are affected and/or in what way the employee presents a direct threat to self or others.
- 2) C-SEAP will provide consultation for the requesting party to identify the most appropriate and effective means for addressing employee issues related to behavior, psychological or substance abuse issues.
- 3) In the absence of sufficient information to support a PFFD evaluation, the appointing authority/designee should consider the option of making a formal referral to C-SEAP.

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.

**Employer-Based Referrals (EBR) to C-SEAP:** Distinct from PFFD.

- 1) Should be used to assess and resolve employee behavior concerns when a manager notes adverse changes in job performance and/or personal conduct.
- 2) Should be used when management has identified an employee issue for which C-SEAP intervention is warranted and can assist with defusing the immediate problem.
- 3) Are appropriate for employees whose behavior raises concern regarding possible alcohol or substance abuse, or who have tested positive for alcohol or non prescribed controlled substances.

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 Employer-Based referral process does not preclude management from pursuing appropriate action under the State Personnel Board Rules and Personnel Director's Administrative Procedures.

**Governing Orders and Policies**

State Department of Personnel Board Rules and Personnel Director's Administrative Procedures:  
<http://www.colorado.gov/dpa/dhr/temp/rulesover.htm>

Executive Order **D 023 09** Establishing a Policy to Address Workplace Violence, Including Domestic Violence Affecting the Workplace

Universal Policy Pursuant to Executive Order **D 023 09** Establishing a Policy to Address Workplace Violence, Including Domestic Violence Affecting the Workplace

Executive Order **D000291** –Substance Abuse Policy for Colorado State Employees

Universal State Personnel System Policy: Impairment in the Workplace

**Departmental Responsibilities**

1. Appointing authority/designees are responsible for observing the attendance, performance, and behavior of the employees they supervise.
2. The cost of the PFFD evaluation is the responsibility of the Department.
3. C-SEAP is responsible for the overall coordination of the PFFD evaluation process and for providing consultation to appointing authority/designees and human resource professionals. C-SEAP shall also assume responsibility for maintaining and storing the medical records acquired through PFFD evaluations, in accordance with federal and state confidentiality laws. Medical records acquired through PFFD evaluations shall be filed separately from all other C-SEAP client records.
4. The appointing authority/designee must receive the PFFD return to work (RTW) documentation before returning the employee to duty. In order for an employee to RTW following a PFFD evaluation a doctor's note is not sufficient.

**Employee Responsibilities**

1. Employees are responsible for safely performing their job duties. They must perform their job responsibilities in a safe, productive, and effective manner during the entire time they are working.
2. Employees are responsible for notifying their appointing authority/designees when they are not fit for duty.
3. Employees are responsible for notifying their appointing authority/designees when they observe a coworker behaving in an unsafe or potentially impaired manner. If an employee is concerned about a supervisor's or manager's behavior, the employee may inform a higher level of management or contact their human resource department.
4. Employees are responsible for the cost of treatment, in the event that treatment is a condition for continued employment.