

<b>Title:</b>	Fitness for Duty Policy		
<b>Wayne County Policy #</b>		<b>Date Issued:</b>	1/26/2026
<b>Category:</b>		<b>Date Revised:</b>	
<b>Approved By:</b>	Donna Wilson, Personnel/Human Resources Director		Page 1 of 7

**I. PURPOSE**

Wayne County is committed to providing a safe workplace for all employees, constituents, and visitors. To ensure a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner. Employees who may present a safety hazard to themselves, to other employees, or to the public can be required to undergo a fitness for duty evaluation. The purpose of this policy is to establish a formal process by which Wayne County may obtain a specialized medical and psychological evaluation to assess an employee’s fitness to perform the essential functions of their position or extraordinary situations where an employee may pose a risk to themselves or others in the workplace.

**II. POLICY PROVISIONS**

This policy applies to all County employees, unless a collective bargaining agreement contains specific language that differs or an elected office with previously published procedures. Fitness for duty issues and concerns with a consultant or contractor will be addressed with the respective staffing or contractual agency.

A. Wayne County may request an evaluation of an employee's fitness when there is reasonable belief or concern that an employee is:

1. Having observable difficulty performing work duties in a manner that is safe for the employee, their coworkers, or the public; or
2. Posing an imminent and serious safety threat to themself or others.
3. Exhibit concerns about their ability to perform the essential functions of their position (e.g. changes in behavior, performance, or after reported medical condition). Refer to the [Job Duty Assessment](#) checklist.

B. Definitions

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1. **Fitness for Duty (FFD)** – An employee is Fit for Duty when they can perform their essential job functions (fundamental duties) safely and effectively, without posing a direct threat to themselves or others, with or without reasonable accommodation.
  
2. **FFD Evaluator (FFDE)** – A health care professional who assesses whether an individual is physically, mentally, and emotionally capable of performing their job duties safely and effectively. The evaluator can be a Doctor of Medicine, osteopathy, psychologist, or another specialist, depending on the nature of the concern and their scope of practice. They must be authorized to practice in the state of Michigan or in the state where the person resides if they live outside of Michigan.
  
3. **Manager** - Wayne County employee, the person to whom staff reports, and/or who is responsible for overseeing the work, is completed according to set policies and procedures.

### III. POLICY PROCEDURES

#### C. Employee Responsibilities

1. Employees are responsible for knowing the expectations of the position held; including the tasks and skills needed.
  
2. Employees are responsible for managing their health in a manner that allows them to safely perform their job responsibilities with or without reasonable accommodation.
  
3. Employees must come to work fit for duty to ensure workplace safety, prevent injuries, and maintain productivity by being physically, mentally, and emotionally capable of performing essential job functions without risk to themselves or others during the entire working time.

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4. Employees are responsible for notifying their manager when they are unsure or concerned that they can perform their essential job functions and tasks.
5. Employees are responsible for notifying the manager when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the manager's behavior is the focus of concern, an employee may report the information to higher level managers, directly to the Disability Administration Division, or others within Personnel/Human Resources (P/HR) Department.
6. Employees who experience any of the above situations should contact the Employee Assistance Program (EAP) at 1-800-847-7240 to inquire about support that may be provided by EAP.
7. Employees may contact Disability Administration or view the county website for information on reasonable accommodation.

**D. Manager Responsibilities**

1. Managers are responsible for providing the job descriptions, performance expectations, roles, and responsibilities along with observing the attendance, performance, and behavior of the employees they supervise.
2. 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.
  - a. Managers are to contact the Disability Administration Division for non-emergent fitness for duty evaluation requests.
  - b. This request must be documented in writing, provide a clear non-discriminatory rationale for the request, and include observable and/or reliable information for a referral for a fitness for duty evaluation.

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- c. Managers are to contact emergency response services for any emergency and/or direct threat of self-harm or the harm of others including property destruction.
  - d. Managers may contact the Employee Assistance Program (EAP) at 1-800-847-7240 for a management consultation and provide the EAP with a description of what was observed. The EAP will consult with the Disability Administration Division for the next steps in the evaluation process.
3. Managers are responsible for maintaining the confidentiality of any medical information shared by the employee. Any document containing medical information about employees is regarded as confidential in accordance with laws and regulations.

**E. Disability Administration Division Responsibilities**

- 1. The Disability Administration Division will receive the reported request for a fitness for duty evaluation.
- 2. The Division will provide guidance to the Manager to engage in the interactive process to gather additional information from employees and others as appropriate.
- 3. The Division will provide notification to employees and managers of leave availability and other required notifications while being evaluated.
- 4. For non-emergency requests, the circumstances will be evaluated to determine the appropriate level of referral. Fitness will assist in determining whether a fitness for duty evaluation is appropriate and advise on the type of evaluation recommended.
  - a. Employees may be provided with the EAP contact information for voluntary referrals while continuing to work their regular schedule.
  - b. Employees may be referred to mandatory EAP Assessment while continuing to work their regular schedule or administrative leave.

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- c. Employees will be provided with a clear explanation of the process and why they are being referred for evaluation.

#### **F. EAP Responsibilities**

1. The EAP will provide the recommendations and/or referrals to a Fitness for Duty Evaluator to the Disability Administration Division.
2. The Fitness for Duty Evaluator will provide the Fitness for Duty Reports to the Disability Administration Division. The reports will include whether the employee is fit for duty to perform the essential functions of their job or not, future treatment, any work restrictions or necessary steps for returning to work with or without accommodation.

#### **IV. ADDITIONAL INFORMATION**

The Department or Elected Office is responsible for the cost of the Fitness for Duty evaluation.

An employee referred for a Fitness for Duty Evaluation may be placed on administrative leave pending the completion, results, and review of the Fitness for Duty Report. Employees will be expected to use their available leave time including paid or unpaid leave of absence for any treatment.

Referral to services outside of EAP will fall under the employees' own health insurance. Employees are responsible for any out-of-pocket cost of any treatment plan not covered by their health insurance. If the employee wishes to have a second opinion, or an additional evaluation from another provider, the employee is responsible for paying the cost of such additional evaluations.

#### **V. CONFIDENTIALITY AND COMPLIANCE**

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The information obtained during this process is confidential. This Wayne County process is intended to be compliant with all applicable laws related to medical privacy, disability accommodation, and leave entitlement.

The employee must comply with all aspects of the fitness for duty and evaluation procedures, including furnishing necessary consent and release forms to the EAP, Fitness for Duty Evaluator, and Disability Administration Division.

An employee who fails to undergo a fitness for duty evaluation as directed or fails to adhere to any treatment recommendations or conditions of employment established as a result of the evaluation, including failing to engage in any process aimed at determining what accommodations or requirements could help them return to work safely and effectively, will not be allowed to return to work. In this instance employees may be eligible for any leave entitlements under their collective bargaining agreement, Executive Benefit Plan, and/or statute.

**VI. ENFORCEMENT**

The Personnel/Human Resources Department is responsible for enforcement of this policy. Further, the department is also responsible for ensuring all employees receive appropriate compliance training regarding this policy, including training on both the prohibitions and affirmative duties described herein. The application of this policy is not intended as a substitute for other Wayne County policies or procedures related to performance; nor is it intended as a substitute for discipline. Situations involving violations of Wayne County policies or practices may result in disciplinary action being taken.

**VII. DISCLAIMER**

If this policy is in direct conflict with other internal or departmental policies related to fitness for duty, this policy will be an overriding policy unless otherwise instructed by the Director of Personnel/Human Resources or designee. This policy does not alter the non-represented “at-will” employment relationship with Wayne County.

If any provision of this policy conflicts with the terms and conditions of existing collective bargaining agreements (CBA), the terms and conditions of the CBA shall take precedence. On matters where the CBA is silent, the provisions of these policies shall apply.

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**VIII. RELATED DOCUMENTS**

- a. Civil Service Rules and Regulations
- b. Collective Bargaining Agreements
- c. Wayne County Charter
- d. Accommodation Policy
- e. Drug and Alcohol Abuse Policy
- f. Workplace Violence Policy
- g. Ordinance – Ethics No. 2014-734
- h. Ordinance – Fraud No. 2012-364
- i. Wayne County Employee Handbook
- j. Wayne County Work Rules
- k. Anti-Discrimination Laws
- l. Americans With Disabilities Act
- m. Family Medical Leave Act
- n. Health Insurance Portability and Accountability Act
- o. Earned Sick Time Act

**IX. REVISION HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>BY WHOM</b>	<b>REASON</b>
Created	1/26/2026	Donna Wilson, PHR Director	New Policy