

Management Instruction

Fitness-for-Duty Examinations

This instruction provides information about levels of fitness-for-duty examinations and their application by Postal Service and consultative medical personnel. The information will replace section 161.2 in Handbook EL-806, *Health and Medical Services*, in a future publication of that handbook.

General Policy

Purpose

The purpose of the Postal Service fitness-for-duty medical assessment is to ascertain whether or not the employee is medically capable of meeting the requirements of his or her job.

Request

Management may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and coworkers when there is concern about an employee’s ability to perform his or her job, based on the observations of a supervisor, manager, or medical personnel. Specific reasons for the fitness-for-duty request must be stated by the requesting official. The fact that an injured or ill employee is scheduled for a series of medical treatments or appointments with a medical provider does not, by itself, establish that the employee is not fit for duty. A supervisor may keep personal notes concerning the date and subject matter of such discussions in his or her personal records, consistent with Privacy Act requirements.

Cost and Payment


Fitness-for-duty examinations are performed at no expense to the employee and are on the clock. Payment includes reimbursement for any authorized travel expenses incurred.

Authority to Administer

Fitness-for-duty examinations are performed by medical providers contracted by the Postal Service or fee-for-service medical providers identified by the Postal Service.

Requests for deviation from this process must be addressed with the associate medical director with appropriate notification to the national unions.

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Fitness-for-Duty Examinations

Establishing the Need for a Fitness-for-Duty Examination

The need for a fitness-for-duty examination is a serious matter and has health, safety, and labor relations ramifications. The following represents some of the reasons for which a fitness-for-duty examination may be performed:

- The supervisor observes that there is a significant change or deterioration in the employee's performance or that the employee fails to maintain regular attendance.
- Postal Service or contract medical personnel identify a condition or behavior that should be medically evaluated.

Employees who are absent as a result of a serious health condition and who are covered under the Family and Medical Leave Act (FMLA) are not required to submit to a fitness-for-duty examination while on FMLA-protected leave.

Identifying Unusual Behavior

Supervisors, through their training, oversight, and proximity to the worksite, are usually the individuals most aware of changes in employee behavior. Supervising employees, at any level of the organization, requires that the supervisor have at his or her disposal information necessary to make basic judgments about the behavior of his or her employees.

The following changes in employee behavior may indicate a potential problem requiring a fitness-for-duty examination:

- Significant increase in unscheduled absences.
- Marked increase in unexplained lavatory usage.
- Changes in behavior and work performance after lavatory or lunch breaks.
- General changes in behavior toward fellow employees.
- Deterioration in personal hygiene and cleanliness of the work location.
- Inattention to work duties and progressive deterioration in concentration and memory.

Responding to Unusual Behavior

Supervisors have a responsibility to address workplace behavior issues that may be affecting an employee's work performance and/or the workplace environment. The supervisors should discuss such behavior issues with the employees they supervise. Discussions of this type must be held in private between the employee and the supervisor. During this discussion, supervisors should offer the employee an opportunity to submit medical or other documentation that may explain the behavior observed and should offer the services of the Postal Service Occupational Health Program or Employee Assistance Program.

If the employee refuses to discuss the subject or fails to provide a reasonable explanation for such behavior, the supervisor may request a fitness-for-duty examination. A supervisor may keep personal notes concerning the date and subject matter of such discussions in his or her personal records, consistent with Privacy Act requirements.

Arranging for a Fitness-for-Duty Examination

Preparing the Request

The supervisor uses Form 2492, *Request for Fitness-for-Duty Examination*, when requesting a fitness-for-duty examination. In addition to the information requested in Form 2492, the supervisor submits a written narrative describing the reason for the request. The supervisor should submit, as attachments, all pertinent information including, but not limited to, attendance logs, job description, and medical information in the supervisor's possession. Restricted medical information, information which includes a diagnosis, should be placed in the Employee Medical Folder.

After the request package has been completed, the supervisor must get concurrence for the request from the installation head or designee, who then forwards the request to the Manager Field Human Resources.

The occupational health nurse administrator and the labor relations specialist, in most instances, are the individuals who consult with the Manager Field Human Resources in determining the appropriateness of the request. The occupational health nurse administrator may consult with the area occupational health nurse administrator or the associate medical director, as needed, to guide the Manager Field Human Resources. The main reason for denying requests for fitness-for-duty examinations is inadequate supporting.

Scheduling the Examination

The occupational health nurse administrator and the labor relations specialist review the request for completeness and appropriateness. Personal communication between medical personnel and the employee may be considered as part of the appropriateness assessment. If all documents are relevant and appropriate, the occupational health nurse administrator contacts the medical services provider and schedules the fitness-for-duty examination.

Nonmedical information, including the specific questions that are to be answered by the evaluation, is sent to the examining physician for his or her review prior to the examination date. The occupational health nurse administrator sends the pertinent medical information to the examining physician.

An associate medical director or occupational health nurse administrator may determine that a general examination may not be needed and that the appointment may be made directly with a specialist for a focused examination.

Notifying the Employee of the Examination

The occupational health nurse administrator, or designee, notifies the labor relations specialist of the scheduled examination. The labor relations specialist, or other person designated by the Manager Field

Human Resources, notifies the employee's supervisor in writing of the examination appointment. The employee is notified by mail and, if practicable, by personal delivery from the supervisor.

The letter to the employee must include information concerning the reasons the fitness-for-duty examination is necessary.

Notifying the Supervisor When an Employee Does Not Present for the Examination

A fitness-for-duty assessment cannot be made until the examination has been completed. If an employee is unable or fails to appear for the examination, the supervisor is immediately notified for rescheduling or other appropriate action, as necessary.

Making a Determination of Fitness

Arranging for Additional Tests or Examinations

In certain instances, the initial fitness-for-duty examination findings may require additional medical consultation with a specialist or special diagnostic tests. All available documentation concerning the case is reviewed by an associate medical director.

Reporting Examination Results

The results of the fitness-for-duty examination are sent by the examining physician directly to the district occupational health nurse administrator. The occupational health nurse administrator reviews the results for completion and compliance with USPS[®] standards. If the report is deemed acceptable, the occupational health nurse administrator forwards a copy of the examination to an associate medical director for review and results interpretation.

The associate medical director follows up with the examiner when further information or clarification is needed. Upon completion of the review process, the associate medical director makes recommendations based upon the examination or consultation findings to the occupational health nurse administrator.

The occupational health nurse administrator relays the pertinent information to management regarding the employee's fitness for duty. In the event that the Manager Field Human Resources considers that the full disclosure of the report is necessary, he or she contacts the associate medical director.

Observing Confidentiality

The fitness-for-duty report may contain personal medical information that is not related to the employee's work capability and should only be released by the medical records custodian in its entirety if management need-to-know conditions exist and prescribed formal request for release of information protocols are followed in accordance with Management Instruction EL-860-98-2, *Employee Medical Records*.

Retesting If Necessary

If the employee is found not fit for duty as a result of drug or alcohol toxicity, and if an eventual return to duty is contemplated, the employee is retested prior to return to duty. Return-to-duty test results must confirm that the employee is eligible for return to duty. If the test does not confirm return-to-duty eligibility, the employee remains not fit for duty.

Emergency Fitness-for-Duty Examinations

Establishing the Need for an Emergency Fitness-for-Duty Examination

Supervisors can request an emergency fitness-for-duty examination when an employee exhibits acute and unusual behavior that could result in imminent harm or injury to the employee or others or interferes with the performance of his or her job.

In the case of an emergency, the supervisor will call 911. Supervisors should follow the USPS policy that corresponds with the type of emergency. For example, some emergencies will require the supervisor to follow Publication 108, *Threat Assessment Team Guide*.

Identifying Unusual or Threatening Behavior

Examples of behavior that could result in an employee resorting to workplace violence include:

- Argumentative behavior toward fellow employees and/or supervisor.
- Unusual interest in news reports and literature relating to violence and violent acts.
- Involvement in altercations in the workplace.
- Employee statements that demonstrate there are specific plans being formulated by the employee meant to bring harm through violence.
- Substance abuse.

Responding to Unusual or Threatening Behavior

If the employee's supervisor observes threatening behavior, he or she will call 911 and/or the Threat Assessment Team if appropriate. If the employee's supervisor observes unusual behavior such as that described above, he or she must immediately notify the postal facility manager that an emergency exists and indicate that an immediate medical assessment may be necessary. If the supervisor receives concurrence from the postal facility manager that an emergency fitness-for-duty examination is needed, the facility supervisory personnel notify the occupational health nurse administrator that an emergency examination is needed. The OHNA schedules the emergency fitness-for-duty exam with the contracted medical provider. The contract medical provider must be advised of the reasons for the fitness-for-duty examination and appropriate arrangements must be made for transport of the employee to the medical facility.

See Psychiatric Fitness-for-Duty Examinations below.

Mental Status Evaluations As Part of the General Fitness-for-Duty Examination

The purpose of the Postal Service fitness-for-duty medical assessment is to ascertain whether or not the employee is capable of meeting the requirements of his or her job. The fitness-for-duty medical assessment requires that the employee report any past or current physical, mental, or psychological conditions to the examining physician. Employees are required to answer, in writing, relevant questions on the medical assessment document and, if requested by the evaluating medical personnel, submit additional medical documentation from their private medical provider.

The Postal Service requires that when the employee submits mental health assessments, determinations, and diagnoses, they are accepted only from the employee's treating psychiatrist or licensed clinical psychologist or from a psychiatrist or licensed clinical psychologist who has intimate knowledge of the case.

If, as part of the general fitness-for-duty examination, the historical assessment of the employee reveals a psychiatric condition or related disorder, the examiner should do the following:

- Write the diagnoses on the medical assessment document.
- Ask the employee if he or she is still under care for the condition and if this care includes the use of psychotropic medications or agents.
- If the applicant or employee is not under care, ask the employee when he or she was last seen and whether the treatment included the use of psychotropic medications or agent.
- List all psychotropic medications or agents used in the employee's care.

Assessing the Effects of Psychotropic Medications

In certain instances the employee's mental health provider has determined that it is necessary for the therapeutic program to include the use of psychotropic medications or agents. The following must be answered and noted in the examination report if the individual is taking these prescribed medications:

- Are drowsiness, loss of attention, decreased reflexes or response time, increases in aggressive behavior, or anxiety documented side effects that result from taking the medication?
- Will the individual be able to work at heights, work with or around machinery, or operate a motor vehicle while under the influence of the medication?
- What is the expected length of time that the individual will be taking the medication?

The employee's mental health care provider must provide information as to whether the medication is controlling the major symptoms and whether follow-up care has been scheduled. The date of any follow-up must be included in the fitness-for-duty report.

Making an Initial Dangerousness Assessment

If dangerousness is a potential problem as a result of the general mental status evaluation, the following issues should be addressed by the examining physician:

- Does the employee pose a threat?
- What is the nature and severity of the potential harm?
- What is the likelihood that the potential harm will occur?
- What is the imminence of the potential harm?
- What actions are required to contend with or relieve the problem?

Psychiatric Fitness-for-Duty Examinations

Referring Employees for Psychiatric Examination

The psychiatric examination is not under usual circumstances requested without a prior, general fitness-for-duty examination. As a result of the initial fitness-for-duty examination, the examining physician may determine that there is the need for additional evaluation concerning the employee's mental status. If so, the employee is required to submit to a mental status evaluation. The evaluation is performed by a board-certified psychiatrist in consultation with the associate medical director.

In some circumstances following an initial fitness-for-duty examination the physician's assessment may include a recommendation that the employee be referred to a psychiatrist familiar with the evaluation of potentially violent individuals.

All psychiatric evaluations include a level of dangerousness assessment.

In determining that a referral for a psychiatric evaluation is appropriate, an important question to be answered is: "Is there a clear and direct threat to an identifiable target?"

Appropriate reasons for referral for a psychiatric examination include:

- An assessment of the possibility that psychiatric conditions exist.
- A finding that a level of dangerousness exists.
- A need to determine the ability of the employee to perform the job, with or without accommodation.

The following factors must be considered when determining whether an individual would pose a direct threat:

- Duration of the risk.
- Nature and severity of the potential harm.
- Likelihood that the potential harm will occur.
- Imminence of the potential harm.

As part of the psychiatric fitness-for-duty report, a summary of findings and statement of recommendations must be prepared by the examining psychiatrist. Therefore, the Postal Service requires the examining psychiatrist to complete Attachment 2, *Instructions for Psychiatric Fitness-for-Duty Examination*. Postal Service medical personnel *must* send this attachment to the psychiatrist for his or her use in preparing the psychiatric fitness-for-duty report.

If the person does not represent a clear and direct threat to an identifiable target, recommend treatment and other possible actions necessary to guard against deterioration of the condition and, if possible, the circumstances.

Indicate whether the release of the report would be likely to affect the employee adversely if he or she asks for one.

Note: The Postal Service requires that when the employee submits mental health assessments, determinations, and diagnoses, they are accepted only from the employee's treating psychiatrist or licensed clinical psychologist or from a psychiatrist or licensed clinical psychologist who have a therapeutic relationship with the employee.

Arranging for the Examination

The appointment for the consultation is made by the Postal Service occupational health nurse administrator in consultation with the associate medical director. All pertinent medical information and supporting documents are forwarded to the consultant. There may be local labor-management agreements that address this point. These agreements must be adhered to as long as they are not in violation of national agreements or Postal Service policy.

Making a Determination of Fitness

Reporting Examination Results

The results of the psychiatric fitness-for-duty examination are sent by the examining psychiatrist directly to the district occupational health nurse administrator. The occupational health nurse administrator reviews the results for completion and compliance with USPS standards. If the report is deemed acceptable, the occupational health nurse forwards a copy of the examination to the associate medical director for review and results interpretation.

The associate medical director follows up with the examiner when further information or clarification is needed. Upon completion of the review process, the associate medical director makes recommendations based upon the examination or consultation findings to the occupational health nurse administrator. The occupational health nurse administrator relays the recommendations to management and, if necessary, to the employee. Management must be advised of the results of the examination on a need-to-know basis as soon as possible.

As part of the return-to-work process, the employee completes PS Form 2488 to grant permission to the Postal Service to forward a copy of the fitness-for-duty report to the employee's treating psychiatrist or licensed psychologist for review and a written opinion. If the treating physician concurs with the fitness-for-duty report findings, the physicians' opinion

is considered in the return-to-work process. If the treating provider disagrees with the fitness-for-duty report findings, another physician is selected to examine the employee via the binding third-party examination process per Article 13 of the National Agreement.

Employee Notification

The supervisor notifies the employee of the fitness-for-duty examination results. If the associate medical director deems that the details of the report could cause hardship or danger to the employee, then the report may be released to the employee's private treating physician to review with the employee.

Observing Confidentiality

The psychiatric fitness-for-duty report may contain personal medical information that is not related to the employee's work capability and should only be released by the medical records custodian in its entirety if management need-to-know conditions exist in accordance with MI EL-860-98-2, *Employee Medical Records*.

Retesting If Necessary

If the employee is found not fit for duty as a result of drug or alcohol toxicity, and if return to duty is contemplated, the employee is retested prior to return to duty.

Unfit for Duty Status

Employees found unfit for duty may challenge the examination findings. Typically, the employee uses a personal treating physician to offer another opinion. If there is discordance between the opinions of the USPS FFD contracted physician and the employee's personal physician, then USPS will seek an additional separate FFD examination for a final determination. This process is outlined in the National Agreement.

Request for Fitness-for-Duty Examination



Request for Fitness-for-Duty Examination

The purpose of the fitness-for-duty examination is to determine whether or not an employee is medically able to perform his or her job responsibilities. The employee's supervisor submits the request to the installation head or designee, who concurs with or denies the request. If there is concurrence, the request is forwarded to the Manager Field Human Resources or designee. The supervisor must submit specific substantiating information with the request, including a copy of the attendance record, a job description with functional and environmental factors, and all other relevant observations regarding the employee.

It is essential that this substantiating documentation be specific and all-inclusive. This document along with the substantiating information may be submitted in its entirety to the examining medical professional.

Please complete the following:

Date (MM/DD/YYYY)	Time	Pay Location	Facility
Employee's Name			Social Security No.
Street Address			Telephone No. (Include Area Code)
City	State	ZIP Code	
Tour and Hours		Nonscheduled Days	
Job Title			Duty Status

Reason for Requesting the Fitness-for-Duty Examination: *(Additional information may be submitted on a separate page)*

Supervisor's Name	Telephone No. (Include Area Code)
Supervisor's Signature	Date (MM/DD/YYYY)

Request Approved By:

Facility Manager's Name	Telephone No. (Include Area Code)
Facility Manager's Signature	Date (MM/DD/YYYY)

Examination Approved By:

Name/Manager Field Human Resources	Telephone No. (Include Area Code)
Signature	Date (MM/DD/YYYY)

In the event this is an emergency fitness for duty request, please supply the following:

Employee Taken to: Physician's Office Hospital

Name and Location

Instructions for Psychiatric Fitness-for-Duty Examination

Reason for Referral

In the course of a fitness-for-duty examination, the Postal Service physician determines that an employee should be referred to a psychiatrist selected by the Postal Service.

Appropriate reasons for referral for a psychiatric examination include:

- An assessment of the possibility that psychiatric conditions exist.
- A finding that a level of dangerousness exists.
- A need to determine the ability of the employee to perform the job, with or without accommodation.

An important question to be answered is: "Is there a clear and direct threat to an identifiable target?"

Report Requested

As part of the examination report, please address the questions found in this attachment.

When determining whether the individual poses a direct threat, please address these issues:

- Duration of the risk.
- Nature and severity of the potential harm.
- Likelihood that the potential harm will occur.
- Imminence of the potential harm.

Discuss imminence of the potential harm. Communicate promptly with the Postal Service contact person if imminence is a concern. If there are clear indications of direct threat, please recommend appropriate actions to be taken to protect the employee and others.

If the person does not represent a clear and direct threat to an identifiable target, please recommend treatment and other possible actions necessary to guard against deterioration of the condition and, if possible, the circumstances.

Please indicate whether the release of the report would be likely to affect the employee adversely if he or she asks for one.

Note: The Postal Service requires that when the employee submits mental health assessments, determinations, and diagnoses, they are accepted only from the employee's treating psychiatrist or licensed clinical psychologist or from a psychiatrist or licensed clinical psychologist who has intimate knowledge of the case.

Questions

1. Is there a diagnosable physical condition or mental disorder that would affect the person's performance of his or her job?
2. Is the employee abusing prescription medications or using illegal substances?
3. What is your assessment of the reasons for the unusual behavior and the psychological dynamics related to their job functioning?
4. Is the employee capable of responding appropriately to supervision?
5. Is the employee suffering from a mental disorder that may be causally related to his or her work?
6. Are there nonoccupational psychosocial and environmental problems that may be causally related to the behavior?
7. Is there any focused anger or focused fear that could be translated into anger that might be problematic in terms of risk to self or others?

Questions (continued)

8. What is the current level of affective control and the individual's self-control mechanisms? How might they be compromised?
9. How, by professional intervention, might the individual's self-control mechanisms be strengthened?
10. Is the employee a potential risk to the safety and health of him- or herself or others? Is there any clear and direct threat to an identifiable target or targets?
11. What, if any, is the required remediation?
12. Are there indications of threat potential that, although not "clear and direct," are nonetheless identifiable and valid cause for concern? If so, discuss.
13. If work restrictions or accommodations are needed for a return to work, what are they and how long will the restrictions or accommodations be needed? Please advise if no accommodation will allow a return to work at this time.
14. Has the employee previously received a diagnosis of a condition that would require psychiatric treatment?
15. Is the employee still under care for the condition, and does this care include the use of psychotropic medications or agents?
16. If the employee is not under care, when was he or she last seen, and did the treatment include the use of psychotropic medications or agents?
17. What psychotropic medications or agents have been or are being used in the employee's care? (Please list.)
18. Are drowsiness, loss of attention, decreased reflexes or response time, increases in aggressive behavior, or anxiety documented side effects of taking the medication?
19. Will the individual be able to work at heights, work with or around machinery, or operate a motor vehicle while under the influence of the medication?
20. What is the expected length of time that the individual will be taking the medication?
21. Is the employee fit for duty?
22. Are there further recommendations concerning the status of this case or evaluation?