**NAME:** **SEAP FITNESS FOR DUTY SESSION**

**AUDIENCE:** SUPERVISORS, MANAGERS, UNION OFFICIALS

**TIME:**  ONE AND ONE QUARTER HOURS (without activities/exercises)

TWO HOURS (with all activities/exercises)

**SESSION**

**DESCRIPTION:** This session is designed to:

**•** Define fitness for duty,

**•** Discuss procedures and describe guidelines for assessing an
 employee’s Fitness For Duty.

**•** Discuss procedures for dealing with an employee who is unfit for

 duty.

**•** Identify specific situations when fitness for duty procedures would
 be used.

# TRAINING Lecture, Power Point slides/overheads, handouts,

**METHODS:** flip chart, role play, small and large group discussion, small group work.

**TRAINING AIDS** • Blank flip charts or board (used in Appendix 1 and Appendix 3)

* Prepared note cards (used in Appendix 2)
* Common objects, such as pen, pencil, tablet, etc. (used in
Appendix 3)
* Newspaper/magazine articles (used in Appendix 4)
* SEAP Supervisor’s Guide (Appendix 5 – place in participants’ handout materials)
* Power Point slides/handouts (slides may also be reproduced as overheads or flipcharts)
* SEAP brochures/wallet cards (place in participants’ handout
materials)
* Quotations to be posted around room (Appendix 10)

# LEARNING

**OBJECTIVES: •**  Be able to identify situations where employees may be unfit for

duty.

* Exhibit knowledge of the Fitness For Duty guidelines and
procedures to follow when an employee is suspected of being
unfit for duty.
* Display an understanding of how/when to use the Visual
Observation Checklist and the Questions for Suspected Fitness
For Duty Checklist.
* Be able to identify roles of SEAP, union, law enforcement,
emergency medical services, and agency management in
fitness for duty situations.
* Exhibit knowledge of procedures to follow after an employee
has been removed from duty.

#### ICEBREAKER PP Slide 1

Choose one of two icebreakers provided in appendices.

1. What Do You Expect **Appendix 1**
2. SEAP Acronyms **Appendix 2**

#### OBJECTIVES PP Slide 2

* 1. Ability to identify situations where employee may be unfit
	for duty.
	2. Understand and be able to use Fitness for Duty guidelines
	and procedures.
	3. Know how to use Visual Observation Checklist and Questions
	for Suspected Fitness for Duty Checklist.
	4. Understand what to do if employee is unfit for duty.
	5. Identify roles of SEAP, union, law enforcement, emergency **Add issues, if**
	medical services and agency management in fitness for duty. **Appendix 1 used**
	6. Additional items identified in icebreaker exercise.

#### MOTIVATOR (optional)

Choose one of two motivators provided in appendices.

1. Fact or Fancy **Appendix 3**

# Articles Appendix 4

1. **INTRODUCTION PP Slide 3 - title**

### What is Fitness for Duty? **Ask class**

### Definition **PP Slide 3 - text**Physical/emotional/mental condition of employee means

Can perform duties in safe/competent manner

### Expectations of employees. **PP Slide 4**

### Report in condition to perform duties in safe and competent manner (fit).

1. Remain in fit condition through work shift.
	1. Expectations of supervisors. PP Slide 5
		1. Monitor performance.
		2. Assess behavior.
		3. Take prompt action.
		4. Follow guidelines.

## Legal and ethical responsibility.

* + - * 1. Ensure safety and security of workplace.
				2. Liability will result from inaction/unwillingness to take
				appropriate action.

Unfit employee is one who cannot perform duties in proper, **PP Slide 6**
safe competent manner **FOR ANY REASON.**

1. **REASONS FOR IMPAIRMENT PP Slide 7 - title**
2. What are some reasons for impairment? **Ask class**
3. List. **PP Slide 7 - text**
4. Physical illness.
5. Medication.
6. Stress.
7. Mental illness.
8. Drugs/alcohol.
9. Don’t diagnose.
10. Supervisor, not clinician.
11. Observe behavior only as related to work.
12. Withhold judgment, remain objective.
13. **DOCUMENTATION**
14. Remain nonjudgmental, respond objectively – document
facts about behavior.
15. Procedures. **PP Slide 8**
16. Document specific verifiable behavioral observations.
17. Apply safety/competency criteria impartially, consistently.
18. Remove employee if reasonable suspicion exists.
	1. Document details of incident - date, time, place, behavior,
	witnesses, relevant circumstances.
	2. Witness – why have? **Ask class**
		1. Credibility.
		2. Actions better able to withstand challenges.
		3. Ensures objectivity/fairness.
		4. Must be manager/supervisor.
			1. Importance of documentation.
19. Justifies removing employee from duty.
20. Facts, not speculation or moral judgment.
21. **PROCEDURES**
22. Determining fitness for duty.
23. Assess degree of impairment, type of behavior,
potential harm or danger to determine response.
24. No cookbook answer – different responses to different
scenarios.
	1. Reasonable Prudent Person Test. **PP Slide 9**
25. Is behavior incompatible with safe and competent
performance of duties?
26. Assess.
27. Physical characteristics.
28. Intellectual ability to perform.
29. Interpersonal behavior.
30. Judgment.
	1. Consider.
31. Policies, safety/competency criteria, acceptable norms
at specific worksite.
32. Relevant job duties.
	1. Legal and ethical responsibility to prevent employee
	impairment from compromising safety of workplace, and to
	take appropriate action when employees not fit for duty.
33. **POTENTIAL SCENARIOS**
34. Health and safety of workplace. **PP Slide 10**
	* + 1. No immediate danger, irrational/inappropriate behavior
			disrupts workplace - contact SEAP to coordinate intervention.
			2. Behavior is immediate threat to health and safety of
			others at worksite - contact law enforcement, other
			emergency services.
			3. Follow agency procedures.
	1. Complete Commonwealth *Workplace Violence Reporting* form.
	2. Local emergency & law enforcement.
	3. Emergency phone numbers.
	4. Management notification.
		* + 1. Clear and present danger – threat. **PP Slide 11**
35. Happening now/imminently*.*
36. Reasonable person would perceive as real threat.
37. Plan and meansto carry out.
38. If medical/psychiatric emergency. **PP slide 12**

County crisis intervention unit (blue pages).

Emergency medical services.

Law enforcement officials.

SEAP.

1. Duty to warn. **PP Slide 13**

Imminent danger to self or others (homicide, suicide,
child abuse).

Protect individuals in potential harm.

Required breach of confidence.

Tarasoff Decision.

Child protective services laws.

Unusual/irrational behavior – use fitness for duty guidelines. **PP Slide 14**

1. Actual scenarios– question of fitness for duty?
	1. Winter clothing in summer.
	2. Hearing voices from radio.
	3. Monitoring movements through electrodes.
2. **FITNESS FOR DUTY GUIDELINES Appendix 5**
	1. Page 27 in SEAP Supervisor’s Guide. **PP Slide 15**
3. Consistent with performance based intervention.
4. Criteria for determining fitness for duty.
5. Guidance for after employee removed from duty.
6. Similar to CDL guidelines.
	1. 4 step process. **PP Slide 16**
7. Observe using Visual Observation Checklist*.*
8. Interview using Questions for Suspected Fitness for
Duty Checklist*.*
9. Remove employee.
10. Follow through.
	1. Process overview.
11. Observe employee behavior. **PP Slide 17**
	* 1. Page 67 in SEAP Supervisor’s Guide
		2. Use Visual Observation Checklist*.*
		3. Document observations.
		4. Make observations personally.
		5. Secure witness.
		6. Witness and supervisor sign forms.
			1. Interview employee. **PP Slide 18**
12. Page 69 in SEAP Supervisor’s Guide
13. Private location.
14. Be respectful.
15. Allow/encourage union representation.
16. Use Questions for Suspected Fitness for Duty
Checklist*.*
17. Ask questions in order. **PP Slide 19**
18. Witness follows same protocol.
19. Don’t badger or accuse.
20. Assess behavior.
21. Witness and supervisor complete separate
checklists, sign.
22. If employee refuses to answer, make assessment
based on observations only.
23. Do not diagnose. **PP Slide 20**
	1. Take some action
		1. If fit – return to duty, counsel. **PP Slide 21**
		2. If unfit – remove employee. **PP Slide 22**

Follow agency protocols.

Do not allow employee to drive.

Do not restrain employee.

Ensure safety of employee and workplace.

Follow CDL protocol for CDL covered employees.

1. Follow through - plan for return to workplace.

Inform employee facts will be assessed, appropriate
action taken.

Contact OA-SEAP for on-site service, if needed.

Establish return to work date or plan for further
instructions.

1. Possible actions/consequences **PP Slide 23**
	1. If only discipline warranted, conduct PDC upon
	return to work.
	2. If employee can’t be returned without evaluation, use
	SEAP (COCE or mandatory referral).
	3. If sufficient grounds to discharge, COCE can be
	considered.
		* Progressive discipline need not be exhausted.
		* OA-SEAP must approve.
		* Employee must cooperate with evaluation and
		treatment to retain job.
	4. If insufficient grounds to discharge, mandatory SEAP
	referral for evaluation.
* Equivalent of an Independent Medical
Evaluation (IME).
* Management tool, doesn’t require union
concurrence.
* Written direct order to be evaluated and sign
consents.
* Evaluation performed by SEAP, gives greater
control.
* Will determine fitness for duty and if continued
treatment is needed.
* COCE may be considered if additional treatment
needed.
* Failure to obey direct order is insubordination,
resulting in termination or offer of COCE
	1. In all cases, explain expectations to employee.
	2. Make all appropriate arrangements prior to
	employee return.
	3. Ensure confidentiality – need to know only.
		1. Contact SEAP if any questions.
			1. **ROLE PLAY (optional) Appendix 6**
1. **STICK TO FACTS - STAY OUT OF TROUBLE**
	1. Document.
	2. Use prudent judgment.
	3. Follow established policy and procedure.
	4. Take necessary action to protect employees and maintain
	safe workplace.
	5. Don’t diagnose.
	6. Clinical judgments can lead to wrong conclusions. **PP Slide 24**
2. Sleeping on duty.
3. Slurring speech.
4. Blurry or red eyes.
5. Odor of alcohol on breath.
6. What would you do - employee with alcohol on breath? **Ask class**
7. Why not assume employee impaired by alcohol? **Ask class**
8. Alcohol odor not clear indicator of consumption or
impairment.
9. Other substances may cause odor.
10. Physical illness.
11. Why is alcohol odor not acceptable in workplace. **Ask class**
12. Public may believe employee is under influence.
13. Appearance of unfit employee brings disrepute
and distrust to agency.
14. Undermines public confidence, which conflicts with
Governor’s Code of Conduct and agency codes of
conduct.
15. What to do? **Ask class**
16. Request explanation.
17. Counsel that odor is unacceptable.
18. Discipline if situation repeated.
19. Other behavior that may be misinterpreted.
20. Why sleeping at worksite. **Ask class**
21. Response to new medication.
22. Loss of sleep due to family or personal problem.
23. Physical/medical problem.
24. Why slurring words during conversation. **Ask class**
25. Medication.
26. Physical/medical problem.

Why employee walking in unsteady manner. **Ask class**

1. Medication.
2. Physical/medical problem.
	1. When in doubt how to respond.
3. **ALWAYS document!**
4. Consult with higher level of management.
5. Contact OA-SEAP.
6. Regardless of reason, sleeping at work, compromised
coordination, slurred speech, similar incidents generally
unacceptable; especially in safety-sensitive areas
or where there is contact with public.
7. Counsel employee.
8. Follow Fitness For Duty procedures.
9. **SUMMARY - REMEMBER: PP Slide 25**
10. Respond – don’t ignore.
11. Have a witness.
12. Be respectful and professional.
13. Document objectively.
14. Focus on work-related performance –
don’t interpret or diagnose.
15. Ensure employee gets home safely.
16. Contact appropriate authorities and SEAP.
	* + 1. **CASE STUDIES (optional) Appendix 7**

 **PP Slides 26-31**

1. **QUESTIONS PP Slide 32**

**Appendix 1 – What Do You Expect**

# NUMBER OF

**PARTICIPANTS:** 10-40

1. **PREPARATION:**
	1. Divide the participants into groups of no more than 5 to 6 persons.
	2. Provide each group with a sheet of blank flip chart paper and markers.

#### INSTRUCTIONS

* + - 1. Instruct the participants that they are to select a spokesperson for their group.
			2. Instruct the participants to discuss their expectations for this training session within their group, and to write those expectations down on the paper provided.
			3. Allow approximately 5 minutes before calling the group back to order.
			4. Call upon the spokesperson for each group, and ask them to share the groups’ ideas and expectations.
			5. The instructor should comment on each expectation briefly, stating whether or not the issue will be covered in today’s training session.
			6. Post the papers around the room as a reminder of what the group can expect to get accomplished during the training session.

**Appendix 2 – SEAP Acronyms**

# NUMBER OF

**PARTICIPANTS:** 10-40

1. **PREPARATION:**
2. Prepare a stack of note cards by printing a different SEAP acronym on each card. (e.g., SEAP, CCO, COCE, PEBTF, UBH, PBI, CDL, CISD).
3. Include the actual meaning of the acronym on the note card.
4. Prepare enough note cards so that each participant will receive one card. There will be duplicates of the acronyms.
	1. **INSTRUCTIONS:**
		1. Pass out one note card to each participant.
		2. Instruct the participants to think of another meaning for the acronym, possibly one which has something to do with them, and write it down (not on the note cards).
		3. After two to three minutes, instruct the participants to separate into groups of three to five persons.
		4. Have the participants read their acronyms to each other within their groups, and choose the one they like the most (based on most creative, funniest, most realistic, etc.)
		5. Have groups read out loud to the entire group the alternate meanings for their favorite acronym, and to whom it applies.

**Appendix 3 – Fact or Fancy**

# NUMBER OF

**PARTICIPANTS:** 10-40

1. **PREPARATION:**
	1. This activity asks participants to describe an article and then determine which characteristics are fact and which are assumption. The instructor helps participants to apply this fact vs. assumption lesson to making determinations on fitness for duty.
	2. Provide a common object (such as a pen) for display.
	3. Have two blank flip charts or white board in front of class.
		1. **INSTRUCTIONS**
			1. Hold up the object, and ask the participants to describe it. Encourage them to come up with as many characteristics as possible. Responses will likely include color, size, to whom it belongs, cost, etc.
			2. Record the characteristics named on a flipchart.
			3. On a second flipchart or board write the headings “Fact” and “Assumption.”
			4. Ask the participants to identify which characteristics belong in the “Fact” column, and which belong in the “Assumption” column.
			5. Ask the participants to describe what this exercise has illustrated (sample responses – it is easy to confuse fact and assumption; we often don’t realize we are making an assumption).
			6. Ask the participants how they believe they can apply this exercise in their daily tasks as supervisors/manager (sample responses – when someone makes a generalized statement or passes along a rumor, we need to ask them for facts and objective evidence to back it up; we have to remind ourselves not to make assumptions and to take responsibility for basing our actions and perceptions on fact).

**Appendix 4 – Articles**

**Number of**

**PARTICIPANTS:** UNLIMITED

1. **PREPARATION:**
2. Make sufficient copies of the provided articles so that each participant receives one. More than one participant can receive a copy of the same article.
3. Alternately, locate appropriate newspaper or short magazine articles and make sufficient copies of them to distribute. A minimum of two articles is needed.
4. Make sure that participants sitting next to each other do not have a copy of the same article.

	1. **INSTRUCTIONS: Distribute articles**
5. INTRODUCTION:The Commonwealth takes fitness for duty very seriously. The sheets being passed around describe some situations where an employee assistance program might be indicated, and fitness for duty might be in question.
6. Instruct the group to take a few moments to review the readings.
7. Allow the participants 1 to 2 minutes to read the articles.
8. Instruct the group to partner with the person seated next to them to discuss their articles, and to consider how SEAP could have been useful in these situations.
9. If time allows, solicit responses from the group, and encourage discussion. Record the responses on a flip chart.

**Appendix 6 – Role Play**

# NUMBER OF

**PARTICIPANTS:** Up to 45

1. **PREPARATION**
	1. Have the participants arrange themselves into groups of threes.
	2. Within each group, have the participants count off.

##### INSTRUCTIONS

* 1. Instruct the participants that they are now going to role play a fitness for duty situation.
	2. Instruct all the number 1’s that they will be the supervisor, all the number 2’s that they will be the witness, and the number 3’s that they will be the impaired employee.
	3. Assign an impairment to the employee in each group. This can be done verbally; walking group to group (for small class sizes), or you may wish to write the problem on 3 x 5 cards and hand one to each group.
	4. Instruct the supervisors to use the Visual Observation Checklist, and the witness to use the Questions For Suspected Fitness For Duty Checklist.
	5. Instruct the participants that they will have five minutes to complete the exercise.
	6. At the conclusion of the five minutes, call the participants back to order, while remaining in their groups of three. Ask each group to report back on the following issues:

		1. Employees – what were your thoughts and feelings while dealing with your supervisor and the witness?
		2. Supervisors and witnesses – what were your thoughts and feelings while dealing with the impaired employee. Did the checklists help the process?

**Appendix 7 – Case Studies**

# NUMBER OF

**PARTICIPANTS:** Up to 45

#### PREPARATION

* + - * 1. Print-out Power Point slides 25 through 30, making sufficient copies so each participant has one copy of each case study.
				2. Have the participants arrange themselves into 6 work groups of no less than three, no more than nine.

**INSTRUCTIONS**

Instruct the participants that they are look at a case study, and decide what they, as management, should do in the assigned situation. Each work group is to decide which resources (Fitness For Duty Guidelines, Crisis Intervention, Law Enforcement, SEAP, 911, etc.) or combination of resources should be used. Tell the participants that they will have 5 minutes for this activity, and they should appoint a group spokesperson to report back to the class.

**PP Slide 25**

* 1. If an employee seems distraught, agitated, and abusive, and threatening to do harm to you and anyone who gets in his way; how, when, or would you use the Fitness for Duty Guidelines?

**PP Slide 26**

* 1. If an employee returns from lunch smelling of alcohol, overly happy and joking, but otherwise acting “normal,” what would you do?

**PP Slide 27**

* 1. An employee did not look well when he reported for work, stating he probably was coming down with a cold. Later in the shift, you notice the employee sitting down and holding his chest. What would you do?

**PP Slide 28**

* 1. An employee, who also happens to be covered by the CDL regulations, has become increasingly withdrawn over a period of time, demonstrating frequent mood changes, and alternating periods of lethargy and hyperactivity. Today he appears to be confused, with an inability to concentrate or remember basic procedures. When approached**,** he became belligerent. What would you do?

**PP Slide 29**

* 1. An employee reports for work overtly upset, rambling in an incoherent manner about people not pulling their own weight, and intentionally causing trouble. He becomes increasingly hostile and overreacts to anything anyone does or says. What would you do?

**PP Slide 30**

* 1. An employee’s child died several months ago, and the individual continues to act depressed. You have seen her taking medication in the past, but not today, although this morning she seems more anxious than usual and is tearful. She says she has an allergy, and you think you have seen her hands tremor. It seems like she is trying to avoid everyone. This concerns you because later that shift she will have to be alone for a few hours and responsible for some safety- sensitive work. What would you do?
1. Call the work groups back to order after 5 minutes.
2. Either display the Power Point slide, or ask the group to read aloud their assigned situation. Ask the group to explain what they decided to do and why.
3. Ask the class as a whole if they would have chosen any other courses of action in that particular situation, and why.

**Appendix 8 – Quotes**

**Attempt the impossible in order to improve your work.**

Bette Davis

**Anyone who isn’t confused really doesn’t under the situation.**

Edward R. Murrow

**Be careful what you pretend to be because you are what you pretend to be.**

Kurt Vonnegut

**Constant dripping hollows out a stone.**

Lucretius

**Always do what you are afraid to do.**

Ralph Waldo Emerson

**Ah, but a man’s reach should exceed his grasp - - or what’s a heaven for?**

Robert Browning

**Do what you can, with what you have, where you are.**

Theodore Roosevelt

**All things are difficult before they are easy.**

Thomas Fuller

**A child of five would understand this. Send someone to fetch a child of five.**

Groucho Marx