



## RUTGERS POLICY

**Section:** 60.9.55

**Section Title:** Legacy UMDNJ policies associated with Human Resources

**Policy Name:** Employees with Impairments

**Formerly Book:** 00-01-30-45:00

**Approval Authority:** Senior Vice President for Administration

**Responsible Executive:** Senior Vice President for Administration

**Responsible Office:** University Human Resources

**Originally Issued:** 4/1/1989

**Revisions:** 5/26/2009; 7/1/2013; 2/6/2014

**Errors or changes?** Contact: [policies@hr.rutgers.edu](mailto:policies@hr.rutgers.edu)

1. **Policy Statement**  
Employees with Impairments.
2. **Reason for the Policy**  
To set policy that: (1) addresses the behavioral issues associated with impaired employees; (2) provides assistance to impaired employees; and (3) protects the health and safety of patients, students and employees of the University.
3. **Who Should Read This Policy**  
All Rutgers employees who are employed in legacy UMDNJ positions.
4. **Related Documents**  
N/A
5. **Contacts**  
University Human Resources: 848-932-3020
6. **Policy**

### 60.9.55 EMPLOYEES WITH IMPAIRMENTS

#### I. ACCOUNTABILITY

For staff, all managers/supervisors shall be responsible for implementing this policy in collaboration with Labor Relations, and ensuring staff appearing to need assistance are referred to the Employee Assistance Program (EAP). For RBHS faculty and housestaff, RBHS Department Chairs, RBHS Graduate Medical Education (GME) and RBHS Graduate Dental Education (GDE) Directors or RBHS Associate Deans, respectively, as the supervisors, shall be responsible for implementing this policy and ensuring availability and provision of assistance to those faculty and housestaff needing assistance.

## II. DEFINITION

An impaired employee is a RBHS staff member, faculty member or housestaff officer (intern, resident or clinical fellow) who is unable to participate within the University environment and perform his/her job duties with requisite skill and safety. This impairment may be due to alcohol and/or drug dependency, mental and/or emotional disorder, or other medical disorders. Signs and symptoms of such impairment could include, but are not limited to a pattern of the following:

- Unusual or inappropriate behavior
- Negative changes in performance of assigned duties
- Frequent or unexplained absences and/or tardiness from duties
- Frequent or unexplained illnesses, injuries or accidents
- Conduct which may constitute violations of law, including citations for driving while impaired
- Significant inability to contend with routine difficulties and to act to overcome them

## III. POLICY

### A. Requirements:

This policy applies to all employees employed in legacy UMDNJ positions, whether temporary, regular, full or part-time. It addresses the behavior of impaired employees and the employee's ability to perform his/her job, including attendance. Physical and mental disorders and alcohol and other drug abuse are often treatable and it is the policy of the University to assist impaired employees (as defined above) in obtaining treatment.

1. RBHS Supervisors shall advise employees whose conduct may be due to an impairment that it is their responsibility to request an accommodation.
2. Impairment of employees due to substance abuse and other forms of mental and physical disorders may adversely affect aspects of the University's missions. Conduct related to impairment may be sufficient grounds for disciplinary action, including dismissal, and may require immediate action to protect the health and safety of others. The University's concern regarding impairment is not, however, limited to its effects on the employee's ability to perform his/her job and/or attendance on the job. In some cases, conduct off duty may result in an employee being removed from work temporarily or permanently if such conduct may affect the employee's ability to perform his/her job in a safe and efficient manner. In the event that an impairment poses a risk for patient care, clinical practice privileges and clinical duties shall be suspended immediately pursuant to existing University procedures.
3. The University makes available trained professionals to provide counseling to help impaired employees; employees who have an impairment which is affecting their performance and/or attendance are encouraged to seek assistance through the University's Employee Assistance Program (EAP). Supervisors will make referrals to the EAP based on observation and/or documented unsatisfactory performance and/or attendance. Health-care practitioners may also be referred to the Professionals' Assistance Program of New Jersey. In cases where a leave of absence is recommended by a diagnostician or counseling agent, a leave may be granted for treatment or rehabilitation on the same basis as is granted for other health problems. Refer to the legacy UMDNJ Human Resources FMLA policy.
4. The Employee Assistance Program in no way diminishes the University's right to impose discipline. If a staff member violates University work rules or

policies, participation in the Employee Assistance Program will not serve as a defense, nor mitigate the circumstances of the offense. Neither the availability of this program, nor participation therein will serve to absolve staff members of their responsibility.

5. Any grievances regarding this policy by unionized employees will be handled in accordance with the applicable collective negotiation agreement.
6. The University's goal is to provide a drug-free workplace and to comply with the Drug- Free Workplace Act.

**B. Responsibilities:**

RBHS Supervisors/Managers, RBHS Department Chairs, and RBHS GME/GDE Directors or Associate Deans will be responsible for the following: implementing this policy and ensuring that all reasonable efforts are made to assist employees in overcoming an impairment affecting the safe and effective performance of job duties; ensuring employees are aware of relevant policies; supervisors may consult with University Human Resources.

1. the timely identification and documentation of impaired work performance or conduct and performance which deteriorates from acceptable to unacceptable.
2. implementation of corrective or disciplinary actions; and
3. maintaining the confidentiality of information and protecting the employee's privacy to the extent possible and permitted by law.

**Employees:**

1. Employees are expected to be aware of the requirements of this policy. Further, employees are expected to fully cooperate with supervisors and the procedures of this policy;
2. Employees who suspect that a fellow employee's performance may be impaired by drugs or alcohol are expected to bring this matter to the attention of the RBHS supervisor, RBHS Department Chair or RBHS GME/GDE Director or Associate Dean; and
3. It is the employee's responsibility to report to the immediate supervisor any physical or mental impairment which may be the result of illness or injury or the use of a chemical substance which could adversely affect his/her ability to perform job duties. Employees shall also report to their supervisor the temporary use of any prescription or over the counter medication if it may in any way cause impairment in job performance.

**IV. PROCEDURES**

- A. If a supervisor, including an RBHS Department Chair or RBHS GME/GDE Director or Associate Dean, believes that an employee has either reported to work in an unfit condition or has become unfit during the course of the shift, the following procedure shall be followed:
1. The RBHS supervisor, RBHS Department Chair or RBHS GME/GDE Director or Associate Dean shall immediately remove the employee from the work area to a private area and call another supervisor.
  2. The supervisors shall jointly try to determine the reason for the employee's apparent inability to safely and adequately perform work duties. If another

supervisor is not available, the supervisor shall be responsible for such determination. Employee Health/Occupational Medicine Service may be consulted in making this determination.

3. The supervisor(s) shall document the observed behaviors which have given them reasonable cause to believe the employee is impaired or unfit for duty.
  4. The supervisor shall promptly consult with University Human Resources concerning the matter and any disciplinary measures that may apply as soon as practicable; the RBHS Department Chair or RBHS GME/GDE Director or Associate Dean shall similarly consult with the Dean.
  5. If it is determined that the employee is unfit to work, the supervisor shall call a family member to transport the employee home or send the employee home in a taxi at the employee's expense.
  6. Under no circumstances is the employee permitted to drive home. If the employee refuses assistance in getting home, the supervisor shall notify Public Safety that the employee is preparing to operate a motor vehicle.
- B. There shall be no mandatory, routine use of urine or blood testing for drugs. However, where there is reason to believe that an impairment is the result of substance abuse, the University reserves the right to take disciplinary action or other action as may be deemed appropriate to protect the health and safety of patients, students, and other employees. Drug testing may also be recommended to help rule out the existence of a substance abuse problem. Drug testing may be required to verify a drug-free state during treatment and as part of the follow-up and monitoring after the conclusion of formal therapy.
- C. The employee will be approved to return to work at the sole discretion of the University.