

Effective Date: **April 18, 2025**

POLICY

EMPLOYMENT

Fitness for Duty Policy

A. Purpose

Employees are required to be fit for duty when they come to work and to remain so at all times while they are working. This requirement applies to all Employee responsibilities. The University encourages Employees to voluntarily: (i) seek assistance for physical or mental condition(s) before their work performance is adversely affected by such conditions; and (ii) self-report a fitness for duty issue to their dean or administrative unit leader and to proactively address the impact of such condition(s) on their ability to perform their duties in a safe and successful manner. If an Employee believes they require a reasonable accommodation to allow them to perform their essential job duties safely and/or successfully they should reach out to the Equal Opportunity Office.

B. Covered Parties

This Policy applies to all Boston University Employees.

C. Defined Terms

For purposes of this Policy, the following definitions apply:

Direct Threat: A significant risk of substantial harm that cannot be eliminated or reduced through reasonable workplace accommodations.

Employee: All University faculty and staff, whether full- or part-time or temporary, while they are performing work for the University in any capacity, whether the work is performed on or off University property.

Fitness for Duty (Fit for Duty): The physical or mental ability of an Employee to safely, effectively, and productively perform the essential functions of their job with or without a reasonable workplace accommodation. This includes but is not limited to being free the effects of alcohol and drugs which may impact the Employee's ability to fulfill one or more of their essential responsibilities.

University: All Boston University workplace locations, including outside the U.S., and where faculty and staff conduct University business.

D. Policy

1. Responsibilities and Proceedings

Deans, department chairs, and administrative unit supervisors are expected to supervise the job performance of their Employees.

The University will rely upon objective evidence about whether an Employee has a physical or mental condition that may be impacting their ability to perform their essential job duties or that an Employee poses a Direct Threat to themselves or others. Objective evidence sufficient to warrant a medical or Fitness for Duty evaluation will be deemed to

exist if the University:

- (1)** knows about a particular Employee's physical or mental condition, is aware of performance problems, and reasonably can attribute the performance problems to the physical or mental condition;
- (2)** knows about a particular Employee's physical or mental condition and reasonably believes the Employee's performance of essential job functions may pose a Direct Threat;
- (3)** receives reliable information from a credible third party, including other employees or students, that the Employee has a physical or mental condition that may impair the Employee's ability to perform essential job functions or may pose a Direct Threat; or
- (4)** the University observes symptoms indicating that the Employee may have a physical or mental condition that will impair the Employee's ability to perform essential job functions or may pose a Direct Threat.

The University will require a medical or Fitness for Duty evaluation whenever there is a reasonable belief, based on objective evidence, that:

- (1)** the Employee's ability to perform essential job functions is or will be impaired by a physical or mental condition; or
- (2)** the Employee poses a Direct Threat due to a physical or mental condition.

Medical or Fitness for Duty evaluations are generally accomplished through medical examinations conducted by an Employee's own treating physician or a physician and, in certain circumstances, a medical professional chosen by the University's Occupational Health department. Consistent with these principles, the University will seek to narrowly tailor the scope of medical evaluations to ensure they are job-related and consistent with business necessity. To that end, the scope of evaluations will depend on an Employee's position and the circumstances prompting the request for a medical evaluation or information. The medical or Fitness for Duty evaluation may result in removing the Employee from the workplace, typically with pay, until the Fitness for Duty evaluation is

complete.

If an Employee member has been removed from work based on objective evidence about the Employee's Fitness for Duty and/or whether they pose a Direct Threat, the Employee must be cleared by the University's Occupational Health department to return prior to returning to work. Any Employee who refuses or fails to comply with such an evaluation will not be permitted to return to work until cleared, and their employment status at the University will be subject to further review in accordance with University policies.

2. Non-Discrimination and Non-Retaliation

The University prohibits discrimination against qualified individuals with disabilities. The University administers requests for medical and Fitness for Duty evaluations consistent with federal, state, and local law, including the requirement in the Americans with Disabilities Act that requests for, and the scope of, such evaluations be job-related and consistent with business necessity, Section 504 of the Rehabilitation Act of 1973, and Massachusetts General Laws Chapter 151B.

This Policy is to be construed consistently with applicable federal and state laws and regulations.

Retaliation against a person who reports concerns about an Employee's Fitness for Duty is prohibited, and doing so may be grounds for employment action in accordance with University policies.

3. Relationship to Other Policies

This Policy does not limit the University's right to address an Employee's job performance, and application of this Policy does not preclude the University from taking action under any applicable collective bargaining agreement, applicable law, or University policy. In circumstances where an Employee has engaged in misconduct or failure to perform their duties, the Employee may be subject to corrective or disciplinary action in accordance with established policies applicable to the Employee, up to and including termination of employment, notwithstanding a referral for further evaluation.

Any suspension or termination of full-time faculty not covered by a collective bargaining agreement will comply with the Faculty Handbook's provisions on Suspension or Termination for Cause.

E. Responsible Parties

Responsible Parties are enumerated in the Policy and include:

Office of the Provost

1 Silber Way, 8th Floor

Boston, MA 02215

(617) 353-2230

Provost@bu.edu

Human ResourcesMedical or FMedical or F

25 Buick Street, 2nd Floor

Boston, MA 02215

(617) 353-2380

hr@bu.edu

Medical Campus Offices

609 Albany Street, J Building

Boston, MA 02118

(617) 353-2380

hr@bu.edu

END OF POLICY TEXT

Additional Resources Regarding This Policy

This Policy is part of the [Boston University Employee Handbook](#) and the [Boston University Faculty Handbook](#).

Related Boston University Policies and References

- **Equal Opportunity Office Policies**
 - [Boston University Notice of Nondiscrimination](#)
 - [Interim Equal Opportunity and Title IX Policy](#)
 - [Interim Equal Opportunity and Title IX Procedures](#)
 - [Policy on Responding to Employer Inquiries Regarding Sexual Misconduct](#)
 - [Self-Identification of Disabled or Veteran Status](#)
 - [Sexual Misconduct Hiring Disclosure Policy](#)
 - [Workplace Violence Prevention Policy](#)
- **Employee Reasonable Accommodation Policy**
 - [Reasonable Accommodations for Individuals with Disabilities, or Individuals who are Pregnant or Have a Pregnancy-Related Condition](#)
- **Alcohol & Drug Policies & Disclosures**
 - [Alcohol and Illegal Substances Policies \(Lifebook\)](#)
 - [Employment Disclosure: Illegal Drugs and Alcohol](#)
- [Annual Security Report](#)
- [NEIDL Suitability Policy](#)
- **Leaves and Absences**
 - [Leaves and Absences \(Faculty Handbook\)](#)
 - [Leaves and Absences \(Non-Represented Employee Handbook\)](#) - see Section 300 of the Employee Handbook Policies Manual
 - Suspension or Termination for Cause (Faculty Handbook)

History

This Policy was effective on April 18, 2025.

Categories: Employment, Employment Policies, Faculty, Faculty Handbook: Appointments and Promotions, Faculty Handbook: Leaves and Absences, General Policies, Non-Represented Staff, Occupational Health, Workplace Keywords: ability to do job, ability to perform job, ability to perform job function, ability to perform job functions, ability to perform job task, ability to perform job tasks, duty, fit for job, fit for duty, fit for employment, fitness, fitness for duty, fitness for Duty evaluation, Fitness for Duty evaluations, fitness for employment, fitness for job, medical fitness for duty evaluations, medical fitness for duty evaluation, Medical or Fitness for Duty evaluation, Medical or Fitness for Duty evaluations, mental condition, mental impairment, physical condition, physical impairment, physical or mental condition