

# **UIC** FACULTY AFFAIRS POLICIES, PROCEDURES, AND GUIDELINES

**SECTION:** FPPG 800 – Employee Relations      **NUMBER:** 803

**SUBJECT:** Evaluation of Ability to Work

**APPROVED BY:** University Senates Conference      **EFFECTIVE DATE:** January 2004

**AUTHORITY:** Provost/Vice Chancellor for Academic Affairs

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**OBJECTIVE:** This policy recognizes that occasionally a member of the academic staff's job performance or personal conduct may give reasonable cause to believe that a physical or mental condition adversely affects the employee's ability to perform his or her job or poses a threat to the safety of the employee or others.

**POLICY:** This policy attempts to establish the rights and obligations of both the employer and a member of the academic staff in such situations, as well as attending to the rights of those served by the University.

- A. Special Considerations for Faculty Members: Faculty members have a special status and rights stemming from the University's Statutes, from the application of provisions for academic freedom, and from the role of faculty members in academic governance. This special status should not be compromised in the implementation of this policy. To the extent that there is an administrative interest in such a policy, it is the obligation of administrators to insure, for example, that there is a qualified faculty member teaching a course without disruption either to the education of students or to the academic activities of other faculty members.
- B. Rights and Obligations of Academic Staff Members: The academic staff member shall incur no loss of pay or benefits while the administrative evaluation process is underway until and unless official action is taken to alter the academic staff member's employment status. Nothing in this policy overrides rights provided to academic staff by the University's Statutes or other applicable contracts or policies, including the right to grieve or appeal the application of this policy under applicable grievance procedures.
- C. Rights and Obligations of Employer: The costs of the exams by the health care providers designated by the University and the associated costs will be borne by the University, and not by the academic staff member. If the outcome of the evaluation is Able to Work with Limitations (see Procedures Section D. 2. below) the University shall make reasonable efforts to accommodate those limitations.
- D. Assistance: For questions about this policy, please call the Office of the Vice Provost for Faculty Affairs (faculty members) and the Office of the Vice Chancellor for Human Resources (academic professional employees).

**APPLICABILITY:** This policy is applicable to the academic staff of the University as defined at Article IX, Section 4(a) of the University of Illinois Statutes. This policy does not apply to

the civil service staff nor does it cover matters falling under Workers Compensation, the Americans with Disabilities Act, or the handicap non-discrimination provisions of the Illinois Human Rights Act. Such matters should be processed under procedures consistent with their respective legal requirements.

**PROCEDURES:**

A. Evaluation: An academic staff member of the University may be required to be examined by appropriate licensed/certified health care professional(s) designated by the University in order to determine her/his ability to perform assigned duties and responsibilities. Such an evaluation may be required when the appropriate Vice Chancellor, in consultation with the unit executive officer through appropriate reporting channels, determines that the academic staff member's job performance or personal conduct gives reasonable cause to believe that a physical or mental condition adversely affects the academic staff member's ability to perform his or her duties or poses a threat to the safety of the academic staff member or others.

B. Process: A unit executive officer may request that this policy be invoked for a particular member of the academic staff by notifying, through the appropriate channels, the Vice Chancellor in the academic staff member's reporting line of the facts suggesting a need for an administrative evaluation. The Vice Chancellor shall review the request insuring that the unit executive officer has documented 1) that an ability to work problem may exist, 2) that the unit and the academic staff member have been involved in efforts to resolve the problem, and 3) that a satisfactory resolution has not been achieved. Attempts must be made to resolve the problem at the level at which the University academic staff member carries out his/her primary professional duties, normally the unit in which he or she is appointed. These procedures are not intended to prevent the academic staff member or the unit executive officer from seeking other recourse as provided by unit bylaws (if any) or University procedures.

C. Coordinator: If the Vice Chancellor concurs that an evaluation is appropriate, the Vice Chancellor will appoint a Coordinator for this process. In each case, the Coordinator and the academic staff member being evaluated will be in the same employment category (faculty or academic professional). The process will be consistent with the rules of employment from that category. The Coordinator will take the following steps:

1. Advise the unit administrator on the assembly and preparation of background documents necessary for the evaluation.
2. Inform the academic staff member in writing that an administrative evaluation is being required and provide information on the academic staff member's and employer's rights and obligations under this policy.
3. Prepare a list of between three and five names of appropriate health-care professionals not affiliated with the University for the administrative evaluation process. The person to be evaluated, or in the event that the person is unable or unwilling, another person with legal authority to make health-care decisions for the person to be evaluated, shall select from the list the health-care professional(s) to perform the evaluation. If the person to be evaluated or his or her designee has not selected the health-care professional(s) to perform the evaluation within two weeks following receipt of the list of health-care professionals, the Coordinator will select the health-care professional(s) to perform the evaluation and inform the person to be evaluated of the selection.
4. Inform the academic staff member of the time and place of the required evaluation.

5. Forward to the Vice Chancellor, unit executive officer, and academic staff member a report specifying the focus, the method, the results and the conclusion of an examination, relative to the academic staff member's ability to work. The results of a second evaluation may be provided at the academic staff member's expense.

D. Outcome of the Evaluation: The Vice Chancellor shall review all the materials and make the final determination as to the outcome of the administrative evaluation which will include one of the following: 1) able to work without limitation; 2) able to work with limitations; or 3) unable to work.

1. Able to work without limitation: If the administrative evaluation determines that the academic staff member is able to work without limitations, the academic staff member and the unit will be notified by the Coordinator.
2. Able to work with limitations: If the administrative evaluation determines that the academic staff member is able to work with limitations, the Coordinator will notify the academic staff member and determine the conditions and requirements for continued employment in consultation with the academic staff member and the employing unit. Conditions may include continued treatment (and monitoring of that treatment) and/or other arrangements as agreed to by the academic staff member and Vice Chancellor. The administration will consult and work with the unit regarding the workload implications of these decisions.
3. Unable to work: If the administrative evaluation determines that the academic staff member is not able to work, the Coordinator will notify the unit and work with the academic staff member as to her or his options, which will include, but are not limited to, application for disability benefits through SURS, leave of absence without pay, use of sick leave, resignation, initiation of dismissal procedures, or other solutions which are agreeable to the academic staff member and Vice Chancellor. The administration will consult and work with the unit regarding the workload implications of these decisions.

E. Return to Work: If the administrative evaluation results in a finding that the academic staff member is not fit to work and the academic staff member takes a leave of absence or uses sick leave, a follow-up evaluation will be required to certify the academic staff member's ability to return to work.

F. Confidentiality and Access to Information: Reports and other information about the evaluation and any follow-up treatments shall be kept by the Coordinator and will not be included in the academic staff member's personnel file. Upon written request, the academic staff member may inspect report(s) by designated health-care professional(s). The Coordinator will provide those in the academic staff member's reporting chain with only that information about the academic staff member's condition necessary for the proper supervision of the academic staff member. In the event of the initiation of an appeals process, the hearing group will be provided access to any materials related to the evaluation with the agreement of the academic staff member.

#### **REFERENCES:**

Approved USC January 23, 2004; Approved UIUC Senate April 26, 2004; Approved UIC Senate April 29, 2004; Approved UIS Senate May 7, 2004