

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.

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.

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.

Date: August 30, 2025
Effective: Immediately
Number: MI EL-860-2025-3
Obsoletes: MI EL-860-2022-8
Unit: Occupational Safety and Health



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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. A fitness-for-duty examination will be authorized only if the examination is job-related and consistent with business necessity. Examinations are job-related and consistent with business necessity when a supervisor, a manager, or medical personnel has a reasonable belief, based on observations or other objective evidence, that an employee's ability to perform essential job functions is or will be impaired by a medical condition or an employee poses or will pose a direct threat due to a medical condition. The following represent some of the reasons a supervisor, a manager, or medical personnel may have a reasonable belief that an examination is warranted:

- a. They observe a significant change or deterioration in the employee's performance or attendance that may reasonably be attributed to a medical condition.
- b. They observe or receive reliable information that the employee's continued performance of job functions will pose a significant risk of substantial harm to the employee or others believed to be due to a medical condition that may not be mitigated to an acceptable level of risk by reasonable accommodations.
- c. Postal Service or contract medical personnel identify a condition or behavior that may impair the employee's ability to perform the essential job functions or may pose a direct threat.

Employees are not required to submit to a fitness-for-duty examination during a Family and Medical Leave Act (FMLA) protected absence. If management wishes to conduct a fitness-for-duty examination for an employee returning from, or who recently returned from, or had an FMLA absence, consult the Law Department in addition to Human Resources or Labor Relations.

Identifying Unusual Behavior

Supervisors, through their training, oversight, and proximity to the worksite, are usually the individuals most aware of changes in employee behavior. Supervisors, at any level of the organization, may have information necessary to make basic judgments about the behavior of employees the supervisor manages.

The following changes in employee behavior may indicate that a fitness-for-duty examination is appropriate in order to determine whether the employee is medically capable to continue performing essential job functions:

- 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.
- Observable pain, extreme fatigue, or other debilitating medical symptoms while performing job duties.

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 unusual behavior, the supervisor may request a fitness-for-duty examination as long as the supervisor has reliable information that otherwise supports that the examination is job-related and consistent with business necessity. 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, unless they contain medical information, in which case they should be forwarded for inclusion in the employee's medical folder.

Investigating and/or issuing discipline is a separate matter for which management should consult with Labor Relations, Human Resources, and/or the Law Department for assistance in determining whether discipline is appropriate.

Arranging for a Fitness-for-Duty Examination

Preparing the Request

The supervisor uses PS Form 2492, *Request for Fitness-for-Duty Examination*, when requesting a fitness-for-duty examination. In addition to the information requested in PS 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 or National Human Resources (HQ) if domiciled at headquarters.

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 and the labor

relations specialist review the request for completeness and appropriateness. 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 documentation. A request that is denied will be destroyed.

The Manager Field Human Resources will determine whether the request is granted. Personal communication between medical personnel and the employee may be considered as part of the appropriateness assessment. Consultation with the Law Department may also be appropriate to determine if there is sufficient legal support for a fitness-for-duty examination.

Scheduling the Examination

If all documents are relevant, appropriate, and sufficient, the request is approved, and the occupational health nurse administrator contacts the medical services provider and schedules the fitness-for-duty examination. All charges related to the examination are submitted through the eBuyPlus application under the requesting management official finance number.

The occupational health nurse administrator sends the pertinent medical information to the examining physician. Nonmedical information is sent to the examining physician for review prior to the examination date. Nonmedical information may include but is not limited to the specific questions that are to be answered by the evaluation, leave records, the employee's job description, and witness statements. Only information relevant to the medical evaluation of ability to perform essential job functions or the direct threat evaluation should be provided to the medical examiner.

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. The employee may be asked to bring relevant historical medical information from other health care providers to the examination. The employee may be asked to sign a release for the examining physician to obtain such if needed. The employee may be asked to bring current medications and other ameliorative devices related to the condition to the examination as well.

Generally, at and after the time of the examination, an employee should be placed in a nonwork status only when there is a reasonable belief the employee is a direct threat. The employee's supervisor, with the assistance of the occupational health nurse administrator, Labor

Relations, Human Resources, and/or the Law Department, should determine the proper work and pay status for the employee on a case-by-case basis. Employees placed in a nonwork status must not have the time counted against their FMLA-protected absence entitlement.

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 results may include, but are not limited to, a narrative; test results; answers to specific questions provided; and any relevant forms. The occupational health nurse administrator reviews the results for completion and compliance with Postal Service 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.

Finding of Fit for Duty

An employee who is found medically capable of performing his or her essential job functions without posing a direct threat to self or others is fit for duty.

If an employee found fit for duty is in a nonduty status or in light duty/modified assignment and will return to a regular job assignment, the occupational health nurse administrator and/or associate medical director should consult with the employee's supervisor, Human Resources, Labor Relations, and/or the Law Department to determine how and when the employee will be returned to duty.

If medical personnel find that an employee will need accommodations to return to duty, or if the employee requests a reasonable accommodation before returning to duty, the employee should be referred to the

Reasonable Accommodation Committee in accordance with Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, unless accommodation can be provided at the local level.

Finding of Unfit for Duty

An employee is unfit for duty if, based on reasonable judgment that relies on the most current medical knowledge and/or on the best available objective evidence, and on an individualized assessment of the employee's present medical ability and particular job, it is determined that the employee cannot perform the essential job functions with or without a reasonable accommodation, or that the employee will pose a significant risk of substantial harm to self or others while working that may not be mitigated to an acceptable level of risk by reasonable accommodations. The following factors should be considered when determining risk of harm: (1) The duration of the risk; (2) The nature and severity of the potential harm; (3) The likelihood that the potential harm will occur; and (4) The imminence of the potential harm.

If the employee is found unfit for duty, the occupational health nurse administrator and/or associate medical director must contact Human Resources and/or Labor Relations and include a clear explanation (including supporting documentation) of why the employee is unfit for duty. Human Resources and/or Labor Relations will then consult with the Law Department to determine next steps. The Law Department must review whether a finding that an employee is unfit for duty is legally sufficient and help determine next steps.

Observing Confidentiality

As the fitness for duty report contains personal medical information, all requests related to release of that information must comply 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 they have a reasonable belief, based on observations or other objective evidence, that an employee will pose a direct threat, i.e., significant risk of substantial harm to self or others, due to a medical condition. An employee may be a direct threat when he or she exhibits acute and unusual behavior that reasonably and imminently could result in substantial harm or injury to the employee or others.

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:

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

If a supervisor has questions about what behavior rises to the level of a direct threat, he or she should immediately contact Labor Relations, Human Resources, and/or the Law Department.

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 Occupational Health Nurse Administrator (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. If a mental status evaluation is required as part of a general fitness-for-duty medical assessment, the employee is required to report any relevant 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.

If, as part of the general fitness-for-duty examination, the assessment of the employee reveals a psychiatric condition or related disorder that may prevent the employee from performing essential job functions or cause the employee to pose a direct threat to self or others, the examiner should do the following:

- a. Write the diagnoses on the medical assessment document.
- b. Ask the employee if he or she is under care for the condition and if this care includes the use of psychotropic medications or agents.
- c. List any psychotropic medications or agents used in the employee's care that may prevent the employee from performing essential job functions or cause the employee to pose a direct threat to self or others.

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:

- a. 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(s) or treatment(s)?
- b. 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(s) or treatment(s), if relevant?
- c. What is the expected length of time that the individual will be taking the medication(s) or treatment(s)?

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:

- a. Does the employee pose a threat of harm to self or others?
- b. What is the duration of the risk of harm?
- c. What is the likelihood that the potential harm will occur?
- d. What is the imminence of the potential harm?
- e. What actions are required to contend with or relieve the problem?

All psychiatric evaluations include a level of dangerousness assessment.

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.

Appropriate reasons for referral for a psychiatric examination include:

- a. An assessment of the possibility that psychiatric conditions exist that may impact performance of essential job functions or the safety of the employee or others.
- b. A finding that a level of dangerousness exists.
- c. A need to determine the ability of the employee to perform the job, with or without accommodation.

Psychiatric examinations are job-related and consistent with business necessity when there is a reasonable belief, based on objective evidence, that an employee's ability to perform essential job functions is or will be impaired by the psychiatric condition or an employee will pose a direct threat to self or others due to a psychiatric condition. A direct threat is a significant risk of substantial harm to the employee or others that may not be mitigated to an acceptable level of risk by reasonable accommodations. If such reasonable belief exists without first conducting a general fitness-for-duty examination, it may be appropriate to order a psychiatric fitness-for-duty examination without first conducting a general fitness-for-duty examination.

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

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

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 nonmedical 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.

As part of the psychiatric fitness-for-duty report, a summary of findings 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.

Making a Determination of Fitness

See Finding of Fit for Duty and Unfit for Duty in General Fitness-for-Duty Examinations.

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 Postal Service 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.

Employee Notification

The supervisor notifies the employee of the fitness-for-duty examination results. In most cases, upon the employee's request, the fitness-for-duty report is provided to the employee. 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. 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.

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

Instructions for Psychiatric Examination as part of general fitness for duty. If, as part of the general fitness-for-duty examination, the assessment of the employee reveals a psychiatric condition or related disorder that may prevent the employee from performing essential job functions or cause the employee to pose a direct threat to self or others, the examiner should do the following:

- a. Write the diagnoses on the medical assessment document.
- b. Ask the employee if he or she is under care for the condition and if this care includes the use of psychotropic medications or agents.
- c. List any psychotropic medications or agents used in the employee's care that may prevent the employee from performing essential job functions or cause the employee to pose a direct threat to self or others.

Reason for Referral

The Postal Service has determined that an employee should be referred to a psychiatrist selected by the Postal Service for a psychiatric fitness-for-duty examination.

Important questions to be answered are: "Can the employee perform the essential job functions with or without a reasonable accommodation, and/or does or will the employee pose a significant risk of substantial harm to self or others while working that may not be mitigated to an acceptable level of risk by reasonable accommodations?"

Report Requested

As part of the examination report, please address the questions found in this attachment, if applicable to the employee's job performance and reason for referral.

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

- a. Duration of the risk.
- b. Nature and severity of the potential harm.
- c. Likelihood that the potential harm will occur.
- d. 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 the person does not represent a direct threat to self or others (meaning a significant risk of substantial harm) and is able to perform the essential functions of his or her position with or without reasonable accommodation, the person should be found fit for duty.

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

Questions

1. Is there a diagnosable physical condition or mental disorder that would affect the person's performance of his or her job or cause him or her to pose a direct threat to self or others (meaning a significant risk of substantial harm)?
2. Is the employee abusing prescription medications or using illegal substances that are adversely impacting employee's performance of essential job functions or causing the employee to pose a direct threat to self or others (meaning a significant risk of substantial harm)?
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?

Questions (continued)

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?
8. What is the current level of affective control and the individual's self-control mechanisms? How might they be compromised?
9. Does the employee pose a significant risk of substantial harm to the employee or others? If so, discuss.
10. If yes, can the risk be mitigated to an acceptable level by reasonable accommodations?
11. 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.
12. Is employee currently using medications or treatments that adversely impact employee's ability to perform the essential job functions or cause the employee to pose a direct threat to self or others (meaning a significant risk of substantial harm)? If yes, how so?
13. If so, what medication(s) or treatment(s) are impacting the employee's performance or creating that risk?
14. Is drowsiness, loss of attention, decreased reflexes or response time, increases in aggressive behavior, or anxiety documented?
15. Are there any other side effects that could impact the employee's ability to perform the essential job functions with or without reasonable accommodation or cause the employee to pose a significant risk of substantial harm to self or others?
16. If relevant, 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(s) or treatment(s)?
17. What is the expected length of time that the individual will be taking the medication(s) or treatment(s)?
18. Is the employee fit for duty (meaning the employee is capable of performing the essential job functions with or without reasonable accommodation and does not pose a significant risk of substantial harm to self or others)?
19. Is there further information concerning the status of this case or evaluation relevant to the employee's performance of essential job functions or status as a direct threat to self or others (meaning a significant risk of substantial harm)?