



## Fitness for Duty Evaluations

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Ultimately, a Fitness for Duty Evaluation (FFDE) should assess whether the individual's work capacity is at least equal to or greater than the work demands. Whether an individual is a police officer, pilot, or construction worker, he or she must be capable (work capacity) of performing the functions of the job (work demand). The evaluator is tasked with the question, "Can the individual perform the functions of the job effectively and safely and, if not, is the reason a psychological one?"

It is also important to understand the balance of interests in FFDEs. Case law consistently finds that a FFDE cannot be a "fishing expedition" or a way to "get rid" of an employee. If the problems with the employee are not psychologically-based, the employer must utilize progressive discipline or other means of resolving them. Additionally, if the individual can be restored to work in the future via treatment, such should be mentioned in the report.

The evaluator must remember that he or she is not the trier of fact, but simply provides an evaluation that is useful, reliable, replicable, and based in scientific practice. While the employer has legitimate rights to freedom from civil liability through compliance with practice standards and statutory requirements, the examinee has rights, including: constitutional/civil, freedom from discrimination, due process, privacy, and procedural. Obviously, in professions such as law enforcement, fire and environmental safety, air traffic, and medical practice, the risks are greater and the threshold for risk is much lower as compared to other professions.

How is the job defined and what are the necessary job requirements? This is known as the work demand. In public safety professions, oftentimes, these are legally defined standards. FAA guidelines in air traffic positions or ethical standards in medical professions can help point to what functions should be assessed. It's often helpful to obtain a job description to answer these questions. The evaluator must clearly understand what being "fit" means in the context of the job. Sometimes, however, deficits in work demand may be attributable to defective job design, defective supervision, dysfunctional co-worker relationships, or changes in tolerance for behavior (e.g., the employer no longer tolerates behavior previously tolerated). These reasons often lie outside the scope of the FFDE because the reasons for the difficulties are not psychological in nature.

The evaluation should also help identify the reason(s) the individual is unable to engage in the work. It should identify and quantify the potential cognitive, emotional, and behavioral correlates of the problem and assess the individual's functional work capacity. Cognitive assessment is frequently a component of evaluation in cases involving dementias, traumatic brain injury, or ADHD.

Furthermore, almost all FFDEs should include some form of personality assessment. Malingering is also an issue in almost all FFDEs because examinees typically try to "fake good." For these reasons, objective assessment with appropriate psychological measures is important. Traditionally, tests such as the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) or the Personality Assessment Inventory (PAI) assess for response styles. On the MMPI-2, it is typical to expect elevations in the "L" and "K" scales. In 1989, Butcher reported that "faking good" resulted in MMPI test invalidity in less than 10% of job applicant profiles. But, with the introduction of the MMPI-2, Tracy and Roberts (1994) reported that 32% of public safety applicants produced defensive profiles while only 8% of the community sample had defensive profiles. Butcher, Morfitt, Rouse & Holden (1997) showed defensive profiles in 27% of airline pilot applicants and Roberts (1994) found 49% of Caucasian and African-American applicants, and 79% of Hispanic urban law enforcement officers obtained "L" scales above the cut-off. Additionally, the MMPI-2 clinical scales are often suppressed as a result of this defensiveness. This means potential symptoms or syndromes could go undetected. On the PAI, it is typical to expect elevations on the Negative Impression Management (NIM) scale. Per Roberts, Thompson, and Johnson (2004), "By using an applicant sample in addition to a community normative sample, the PAI Law Enforcement, Corrections, and Public Safety Selection Report, addresses these two critical profile distortions" (p. 12).

According to Corey (2011), FFDE referrals typically fall into one of four categories:

1. Off-duty behavior such as domestic assault, harassment, DUI, or sexual impropriety
2. A suicide threat or attempt
3. On-duty behavior such as excessive force, safety concerns, workplace violence, interpersonal problems, or gross neglect
4. Independent medical evaluations



Corey (2011) suggested 15 Principles that should be part of any evaluation:

1. Assess how the employer met the legal threshold for mandating a fitness examination
2. Identify the relevant clinical and forensic questions
3. Decline the referral if it falls outside of your competence
4. Decline the referral if you are unable to be impartial  
Identify the legal standard for determining fitness
5. Determine the examinee's rights and limitations regarding access to the report and other personal health information
6. Provide appropriate disclosure to the referring party concerning fees, evaluator role, and procedures
7. Provide the examinee with appropriate disclosure and obtain informed consent
8. Decide whether to permit third-party observers or recording devices into the interview, as some laws and collective bargaining agreements allow for this
9. Select multiple sources of clinical and behavioral information, including and especially, collateral interviews, using relevance and reliability as guidelines.
10. Assess response style
11. Use a model to determine fitness for duty that conforms to ethical, legal, and practice standards, facilitates data gathering, assessment methods, aids in case analysis, and helps to communicate the findings.
12. Guard the legal and ethical limitations on the report content
13. Avoid mere conclusory opinions - the opinion should be reliable, replicable, and transparent. Data and relevant facts should be reviewed, the report should reason from the data to the opinion, and address the relevant science and its limitations.
14. Address causation, treatment, or restoration of fitness.

In sum, the FFDE should answer the following questions:

1. Can the individual perform the functions of the job effectively, safely, and uphold the tenets of the profession?
2. If he/she cannot, are the reasons psychological?
3. What is the nature of, and reason for, the deficit(s)?
4. How are the deficit(s) linked to the functional requirements of the job?
5. What treatment would be effective to return the individual to duty?
6. If the individual is incapable of returning to duty, why is a return to duty impossible? ♦

#### References

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