

## OBSERVATION CHECKLIST/FITNESS FOR DUTY INTERVIEW

The Company's goal is to provide a safe workplace for all employees. This policy/procedure is to be utilized only in situations where an employee is having an observable difficulty either performing the essential functions of her or his job duties or poses a direct threat to the safety of the employee or others.

Employee: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

### STEP 1 – OBSERVATION CHECKLIST

Use checklist below to record exhibited behaviors at work that may indicate the employee is unfit for duty. Check all that apply. **If an employee is having a medical emergency, (unconscious, seizure, etc.) dial 911.**

- WALKING – Stumbling, staggering, falling, unable to walk, swaying, unsteady, holding on, repeated trips to rest room or outside area
- STANDING – Swaying, rigid, unable to stand, feet wide apart, staggering, sagging at knees
- SPEECH – Slurred, stammering, unnecessary repetition, loss of train of thought, loud or noisy, unusually fast, or slow talking, slow response to questions or comments, repetitive statements, bravado, boasting
- DEMEANOR – Out of character, inappropriate or abusive behavior, argumentative, aggressive, or belligerent, inappropriate sexual advances, boisterous, extreme, or sudden change in behavior
- ACTIONS – Repeated failure to follow instructions or policies, sudden change in work performance, fighting, threatening, drowsy, profanity, hyperactive, erratic
- EYES – Unfocused, bloodshot, watery, dilated, glassy, droopy, closed
- FACE – Flushed, pale, sweaty, dazed look
- APPEARANCE/CLOTHING – Smell of alcohol and/or residual odor peculiar to some chemical or controlled substance, unruly, messy, dirty, partially dressed, twitching or body tremors, excessive perspiration
- BREATH – Alcohol odor
- MOVEMENTS – Fumbling, jerky, slow reflexes/hand-eye coordination, nervous, hyperactive
- CONSUMPTION – Observed consumption or possession of an intoxicant
- OTHER OBSERVATIONS \_\_\_\_\_
- Have others witnessed or commented on the situation? \_\_\_\_\_

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- Is the behavior new or has it happened in the past? \_\_\_\_\_
- Based on current observations, is there reasonable suspicion that the employee is likely under the influence? If yes, proceed to Step 2.  
\_\_\_\_\_
- Based on current observations, is there reason to believe that the employee may be unfit for duty for other reasons? If yes, proceed to Step 4.

### STEP 2 – FITNESS FOR DUTY INTERVIEW

Guide the employee to a private area, away from the sales floor and free of distraction. When ready to proceed with the Fitness for Duty Interview, start by saying, ***“I have noticed some concerning things about your behavior or performance at work.”*** Present the specific observations from the Observation Checklist, ask the following questions, and document the answers in the space provided.

1. Can you explain the reason for the following behavior that I have observed? (Review information from Observation Checklist). \_\_\_\_\_ (if the employee admits to being under the influence of drugs or alcohol, skip 2-4)
2. Are you feeling ill? \_\_\_\_\_ If yes, what are your symptoms? \_\_\_\_\_

3. Do you have a cold? \_\_\_\_\_ If yes, are you taking any cold medicine? \_\_\_\_\_ Cough medicine? \_\_\_\_\_ Antihistamines? \_\_\_\_\_ If so, indicate what employee is taking \_\_\_\_\_
4. Are you taking any medication that might cause the behavior I have observed? \_\_\_\_\_
5. Did you drink alcohol or an alcoholic beverage within the last 12 hours? \_\_\_\_\_ If so, what did you drink? \_\_\_\_\_ Where did you drink? \_\_\_\_\_
6. When did you drink? \_\_\_\_\_
7. Did you consume alcoholic beverages with others? \_\_\_\_\_ If yes, who? \_\_\_\_\_
8. Have you used any illegal or recreational substances (including marijuana or marijuana products) today? \_\_\_\_\_ If so, what substance did you use? \_\_\_\_\_ When did you use the substance? \_\_\_\_\_ Did you consume the substance with others? \_\_\_\_\_ Where did you use the substance? \_\_\_\_\_
9. Are illegal or recreational substances in your possession or in the store now? \_\_\_\_\_ If yes, where are they? \_\_\_\_\_
10. What is the best number to reach you in the next few days? \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

### STEP 3 – DETERMINE NEXT STEPS

Contact the Regional Manager to advise of the incident, observations, and Fitness for Duty Interview answers. If unable to contact the Regional Manager, proceed as follows:

- **If an employee is having a medical emergency, (unconscious, seizure, etc.) dial 911.**
- **If an employee admits to being in possession of illegal substance(s)** - Advise the employee that he/she is suspended with pay until the incident can be reviewed by HR.
- **If unknown substances of uncertain origins are found in the workplace** – isolate the material, move away if apparent danger, keep others away and immediately call 911. Anyone who may have made contact with the substance should wash with soap and water. Record the names of anyone who may have had contact.
- **If the employee is unfit for duty with or without admission** - Advise the employee that he/she is suspended with pay until the incident can be reviewed by HR. Either contact a friend or family member provided by the employee or arrange for a taxi or Uber.
- **If the employee appears unfit for duty and attempts to drive** – dial 911 and advise the authorities of the observed behaviors and the individual is in danger of harming themselves or others. Do not attempt to restrain the employee.
- **If the employee is fit for duty** - If the employee is determined to be fit for duty, allow the employee to return to work.
- **If an employee discloses or it is determined that there may be a medical or emotional reason for the observed behavior** – Discuss options for break, shift dismissal or immediate medical care, if needed.

### STEP 4 – FILE E-SERVICE CONSULTATION REQUEST (Required)

File an e-Service Consultation Request via [Employee Relations e-Service](#) for Human Resources follow up and next steps. Attach a copy of this completed form with the e-Service submission. A representative from Human Resources will follow up with next steps.

## FREQUENTLY ASKED QUESTIONS

### **Q: What if it turns out to be a medical situation?**

**A:** If the employee is experiencing a medical emergency, call 911. If the employee indicates the need for reasonable accommodation due to a medical condition, submit an e-Service Consultation Request for next steps. All requests for accommodation must be reviewed in partnership with Human Resources.

### **Q: What if the employee becomes escalated or combative?**

**A:** If the employee becomes escalated, use the following questions to de-escalate the situation:

- **Unprofessional Behavior** - (Describe unprofessional behavior i.e., raising your voice) is unnecessary. Ask, "Is it possible for you to (describe desired behavior, i.e., lower your voice) so we can finish this conversation? Can you do that for me?"
- **Refusal to Participate in the Conversation** - Ask "Is there a reason you are refusing to participate in this conversation? Is it possible for us to finish this conversation?" Understanding what is causing the observed behavior is important for everyone's safety. Ask, "Do you understand what I'm asking?"
- **Walking Away** – Ask, "(Name) is there a reason you are walking away? Can we continue? Do you understand what I am asking?"
- **Attempts to Drive** – contact the police.
- **Statements Regarding Suicide or Self-Harm** - Contact the Asset Protection Command Center at 866-LUX-HELP, Option 6. If the employee is in imminent danger of self-harm, call 911. For additional information regarding suicide intervention: [Retail | Workplace Violence](#)

### **Q: What if the employee is not intoxicated or having a medical situation but is emotional due to other circumstances?**

**A:** If the employee is unable to perform his/her job duties due to an emotional reaction, allow the employee to take a break. If the employee returns from the break and is still emotional and unable to perform his/her job duties, allow the employee to leave for the day. Upon the employee's return, speak with the employee about the situation, coach appropriately and provide the employee with the EssilorLuxottica Employee Assistance Program information if needed. To access the EAP program: US & Puerto Rico ALL employees and household members: [Anthem EAP](#) (Company Name: Luxottica) or 1-800-865-1044. Canada ALL employees and household members [Athem EAP](#) (Company Name: Luxottica) or 877-847-4525.

### **Q: What if the employee smells of marijuana or alcohol?**

**A:** All employees are expected to be well-groomed, practice good hygiene and project a professional image. Employees who violate the dress code applicable to their work location may be sent home and/or may be subject to Corrective Action. If you suspect the employee may be under the influence or in possession of illegal or recreational substances (including marijuana products or alcohol), proceed with the Observation Checklist/Fitness for Duty Interview process.

### **Q: What if another employee reports unusual behavior?**

**A:** Create an environment which promotes trust and confidence, so employees feel comfortable coming forward to report a concern. Advise the reporting employee that their concerns will be looked in to and addressed per Company policy and procedure. Due to confidentiality, details of the investigation cannot be disclosed. Remind reporting employees that divulging confidential employee information is a violation of Principles of Conduct. An employee's behavior should be directly observed by a manager or supervisor. If behavior exhibits that an employee may be unfit for duty, proceed with the **Observation Checklist/Fitness for Duty Interview**.

### **Q: Do I have to document my suspicion? How do I tell the employee?**

**A:** **Clearly** and thoroughly document the observed facts using the **Observation Checklist/Fitness for Duty Interview**. Proceed through the steps listed on the document and partner with your regional manager for additional support and guidance.

### **Q: Should I drive the employee home?**

**A: No.** Arrange transportation for the employee. Either contact a friend or family member provided by the employee or arrange for a taxi or Uber. Speak with your supervisor about how to receive reimbursement for the expense.