

**RESOLUTION NO. 2018-25**

**A RESOLUTION OF THE MASON TRANSIT AUTHORITY BOARD  
ADOPTING A FIT FOR DUTY POLICY.**

**WHEREAS**, it is the responsibility of Mason Transit Authority to ensure its employees are healthy and safe to do their work for the sake of themselves, the public and the agency, as well as compliance with FTA regulations in connection with medical eligibility for its safety-sensitive workers; and

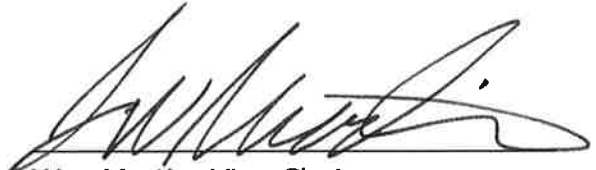
**WHEREAS**, this policy sets forth the process for determining if employees are fit for duty by seeking concurring opinions from the employee's health care provider and a certified Department of Transportation medical examiner;

**NOW THEREFORE, BE IT RESOLVED BY THE MASON TRANSIT PUBLIC TRANSPORTATION AREA AUTHORITY BOARD** that the Fit for Duty Policy (POL604), which is attached hereto and incorporated herein, be established and adopted.

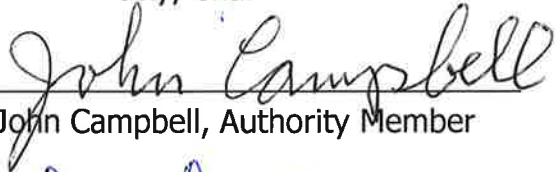
Adopted this 18<sup>th</sup> day of December, 2018.



Kevin Shetty, Chair



Wes Martin, Vice-Chair



John Campbell, Authority Member

Kevin Dorcy, Authority Member



Terri Drexler, Authority Member



Randy Neatherlin, Authority Member



Deborah Petersen, Authority Member



Don Pogreba, Authority Member

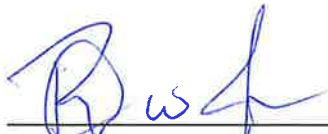


Sandy Tarzwell, Authority Member

APPROVED AS TO CONTENT:



Danette Brannin, General Manager

APPROVED AS TO FORM:   
Robert W. Johnson, Legal Counsel

ATTEST:  DATE: December 18, 2018  
Tracy Becht, Clerk of the Board



<b>Title:</b>	Fit for Duty Policy
<b>Number:</b>	604
<b>Effective:</b>	December 18, 2018
<b>Prepared by:</b>	LeeAnn McNulty Administrative Services Manager
<b>Approved by:</b>	Authority Board Resolution No. 2018-25

## **POL-604 FIT FOR DUTY**

This policy applies to all Mason Transit Authority (MTA) employees.

### **1.0 PURPOSE**

It is the purpose of Mason Transit Authority to maintain a safe, healthful and productive work environment for all employees, visitors, citizens, and MTA property. To accomplish this, all employees are expected to be physically and mentally fit to perform their jobs in a safe, productive and effective manner at all times.

### **2.0 DEFINITIONS**

#### **2.1 Fit for Duty**

Fit for duty refers to the physical and/or mental ability of an employee to perform the essential functions of his/her job duties in a safe, productive and effective manner.

#### **2.2 Fit for Duty Examination**

A fit for duty examination is a mechanism for identifying whether and to what extent an employee may be unable to perform his/her essential job functions effectively or could endanger the safety of others, him/herself or MTA property.

### **3.0 POLICY**

**3.1** MTA may require a fit for duty examination only if the examination is job-related and consistent with business necessity. A fit for duty examination may be required when MTA reasonably believes that an employee's job performance may be impaired due to a physical or mental health problem or the employee may pose a risk to the safety of themselves, other employees and others such as MTA riders.

- 3.2 MTA may require concurring opinions from the employee's personal healthcare provider and a DOT Certified Medical Examiner. Each provider must complete a Job Analysis Medical Release/Health Questionnaire authorizing the employee to return to normal duties or not. The DOT Certified Medical Examiner will consider the input of the personal healthcare provider when determining if the employee is to retain their Commercial Driver Medical Certification.
- 3.3 MTA will choose the DOT Certified Medical Examiner to conduct the concurring medical examination. Expenses incurred for the purpose of determining fit for duty by a DOT Certified Medical Examiner, are at the expense of MTA.
- 3.4 MTA will receive limited information from the professional who performs the examination. Specifically, the health care professional will provide information as to whether the employee is able to perform the essential functions of the job in a safe, productive and effective manner, any recommendations that may enable the employee to perform his/her job and any conditions for return to work.
- 3.5 Each employee's status will be evaluated on a case-by-case basis. Options include but are not limited to, relieving the employee of certain duties, assigning different duties, or sending the employee home under appropriate leave status.

#### **4.0 RETURN TO WORK**

MTA will continue the interactive process with the employee in compliance with applicable laws, including the Americans with Disabilities Act, Washington Law Against Discrimination, the Family and Medical Leave Act, and applicable Collective Bargaining Agreements to determine if and when the employee can be returned to work or regular duties.

#### **5.0 EXAMINATION CONFIDENTIALITY**

Under the Health Insurance Portability and Accountability Act (HIPAA), any document containing medical information about an employee is considered a medical record and is regarded as confidential. Records of fit for duty evaluations shall be treated as confidential medical records and maintained by MTA as appropriate. This information may be shared only on a "need to know" basis. Employees may obtain a copy of the medical report from MTA upon written request.

## **6.0 SHORT TERM INFECTIOUS/COMMUNICABLE DISEASES**

If an employee exhibits symptoms of an infectious/communicable disease such as the flu or a cold, MTA may ask the employee to leave the workplace in order to have his/her symptoms evaluated by the employee's own health care provider.

## **7.0 DISABILITY LAWS**

MTA is required to comply with federal and state disability laws (primarily the Americans with Disabilities Act of 1990 [ADA]). In general, these laws prohibit: (1) employers from requiring an employee to submit to a medical examination; and (2) employer inquiries into whether an individual has a disability. However, the protections afforded to employees by these laws are not without limits. Federal and state laws permit MTA to require a medical examination of an employee if the requirement for the examination is job-related, consistent with business necessity, and if MTA has a reasonable belief that: (1) the employee's ability to perform essential job functions may be impaired by a medical condition; or (2) an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.