

Midland Engineering Co., Inc. Safety Management System			Doc No:	FITFORDUTY
			Initial Issue Date	12/09/15
Chapter 43-Fit for Duty			Revision Date:	Initial Version
			Revision No.	0
			Next Review Date:	12/09/16
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POLICY

Midland Engineering Co., Inc. is committed to providing a safe environment for all employees, students, and patients. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so through the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, to other employees, to Midland Engineering Co., Inc., or to the public.

SCOPE

The purpose of this policy is to establish procedures by which the company will evaluate an employee's fitness for duty when an employee is:

- Having observable difficulty performing work duties in a manner that is safe for the employee, for other employees, for the company, or for the public, as determined by the supervisor; or
- Posing an imminent safety threat to self or others.

The policy prescribes the circumstances under which an employee may be referred to an independent, licensed health care evaluator for a fitness for duty evaluation should either of those situations be present. Violation of this policy may result in disciplinary action up to and including termination for employees. Additionally, individuals may be subject to loss of access privileges and civil and/or criminal prosecution.

Employee's activities and behaviors should be monitored to determine if employee should be removed from the work site. An employee shall not be allowed to work unless he/she maintains a fitness for duty required for the safe performance of essential job functions, with or without reasonable accommodation. Each employee is required to report to work in an emotional, mental and physical condition (including free of the effects of alcohol and drugs) necessary to perform his or her job in a safe and satisfactory manner.

This policy does not apply to employees with short term, infectious/communicable diseases (e.g., flu, colds). If an employee exhibits symptoms of an infectious/communicable disease, the supervisor may ask the employee to leave the workplace in order to have his/her symptoms evaluated by the employee's own health care provider.

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RESPONSIBILITIES

A. Employee Responsibilities:

1. Employees are responsible for managing their health in a manner that allows safe performance of job responsibilities.
2. Employees must come to work fit for duty and must perform their job responsibilities in a safe, secure, productive, and effective manner during the entire time they are working.
3. Employees are responsible for notifying their supervisors when they are not fit for duty, including if they are too fatigued or succumbing to other mental or physical ailments.
4. Employees are responsible for notifying their supervisors when they observe a coworker acting in a manner that indicates the coworker may be unfit for duty. If the supervisor's behavior is the focus of concern, an employee may inform their upper level manager or may call Human Resources for further guidance.

B. Supervisor Responsibilities:

1. Supervisors are responsible for observing the attendance, performance, and behavior of the employees they supervise.
2. Supervisors are responsible for promptly following the procedures in this policy when presented with circumstances or knowledge that indicate that an employee may be unfit for duty.

FITNESS FOR DUTY REQUIREMENTS:

An employee is expected to perform essential job functions in a safe and effective manner, and to discuss with his/her supervisor any circumstances that may impact his/her ability to do so. The company may require professional evaluation of an employee's physical, emotional or mental capacities to determine his or her ability to perform essential job functions. Such evaluations are conducted by an independent, licensed health care professional and are undertaken only after review by the coordinating team. The employee's department is responsible for paying the cost of an evaluation(s). To the extent allowed by law, the company shall protect the confidentiality of the evaluation and the results.

Employees who have the responsibility for on-call shifts must meet the fitness for duty standard during the entire on-call period.

Non-compliance with a request for a fitness for duty evaluation shall be cause for disciplinary action.

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The employee's satisfactory work performance is the basis for continued employment. Participation in a treatment or rehabilitation program does not guarantee continued employment and may not necessarily prevent disciplinary action for violation of the company policies. An employee must comply with all treatment recommendations resulting from a fitness for duty evaluation to be allowed to return to work. A salaried employee referred for an evaluation will be prohibited from appearing for work pending the completion of the evaluation and approval for return to work. During this time, applicable leave policies shall apply. A wage employee (including a temporary employee) referred for an evaluation will be prohibited from working or appearing for work until an evaluation is completed and the employee has been approved to return to work (compensation during this time shall be discontinued).

FITNESS FOR DUTY EVALUATIONS/PHYSICALS

When the Safety Director deems a specific job to require fitness for duty, it shall be required that pre-employment physicals be included in the hiring process, and also when changing into certain job functions and different environments.

A fitness for duty evaluation is designed to address behavioral changes in an employee that may pose a potential threat to self or others in the workplace. Application of this policy is not intended as a substitute for the company policies or procedures related to chronic performance or behavioral problems or as a substitute for discipline. Supervisors shall continue to address performance or behavioral problems through the performance appraisal process and to implement appropriate corrective or disciplinary action.

The company is required to comply with federal disability law (primarily the Americans with Disabilities Act of 1990 [ADA]). In general, the ADA prohibits: (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 the ADA are not without limits. Federal law permits the company to require a medical examination of an employee if the requirement for the examination is job-related, consistent with business necessity and if the company 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.

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After an evaluation, information given to the employee's supervisor shall be limited to whether the employee may:

- return to full duty;
- not return to full duty, in which case the employee will be referred to Human Resources for a benefits discussion; or
- return to full duty with reasonable accommodations to meet the evaluator's recommendations.

Confidentiality/Privacy of Fitness for Duty Evaluations:

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 fitness for duty evaluations shall be treated as confidential medical records and maintained by the company as appropriate. This information may be shared only on a "need to know" basis. Employees may obtain a copy of the medical report from the company upon written request.

DRUG AND ALCOHOL SCREENING

The following is a listing of the types of testing, and required time frames for such testing, as required under Midland Engineering Co., Inc. Drug Free Workplace policy:

1. Annual/Pre-employment Testing - Each onsite contractor employee is to be tested or provide documentation of having been tested within the past 12 months, and is to participate in annual testing. To preserve resources of time and money each time an employee is tested, regardless of the reason, the latest test date will become their new annual testing date for purposes of the CCS program. This policy prohibits a contractor from giving any more than 14 days notice to an employee of annual/pre-employment testing dates. It is not the intent of this policy to punish anyone because of failure to remember their annual test. Therefore, employers should have some type of system to inform employees when their annual test is due.

2. Post Accident Testing - A substance abuse drug and alcohol test of an onsite contractor employee is required when they are involved in any accident/incident or event, caused by them either directly or indirectly, that results in treatment by a health care provider, or that results in damage to property, including any serious near-miss incident. The test is to be administered either at the time of the first physician visit, or on the day of the incident/property damage.

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3. Probable Cause/Reasonable Suspicion Testing - A substance abuse drug and alcohol test shall be required at the time of observable probable cause circumstances, based on objective evidence about the worker's conduct in the workplace, that would cause a reasonable person to believe that the worker is demonstrating signs of impairment due to alcohol or other drugs. Examples of objective evidence include when a worker shows signs of impairment such as difficulty in maintaining balance, slurred speech, or erratic or atypical behavior, etc. Such observation must be documented, and the supervisor shall provide the employee with a copy.
4. Random testing - CCS owners are required to perform random drug testing on their contractor employees working on their premises. It is the owner's responsibility to see that their selection is truly random without discrimination or arbitrary selection. Random testing is to be an unannounced, unscheduled drug and/or alcohol test, and upon notification the employee must immediately report to the testing facility. (Owners shall give notification of random testing in sufficient time before the end of the shift so as to accommodate a probability of a 2-hour wait time should an employee be unable to accommodate the test.)
5. Return to Duty Testing – For an employee to be eligible to return to work after having a positive test result, he will be required to take a return to duty test, and the result must be negative. Payment arrangements for a return to duty test are the responsibility of the employee.
6. Follow-up Testing –An employee who is subject to unscheduled follow-up testing, as the result of a SAP requirement, will be required to have such test performed upon notification, and the results must be negative. They will be notified by telephone or letter, that they are required to report for testing the following day after receiving notification. If a worker/employee is unable to complete a required follow-up test due to being laid off or is working out of the area, their CCS card will be made noncompliant until they report for the follow-up test. It will be the responsibility of the worker/employee to contact the third party administrator as soon as they are employed again and/or are back in the local area. The length of time that was designated by the SAP to complete their follow up tests will be extended by the length of time they are noncompliant for not reporting for the test. (The third party administrator will make the determination of the time frame to determine if the employee was unable to report, or refused to report. – IE: they were on vacation at the time the letter arrived, they were not working at the time they were called back, they didn't get the letter for a week, etc.) Payment arrangements for follow-up testing are the responsibility of the employee.

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MEDICATION

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.