5.08 – FITNESS FOR DUTY AND RETURN TO WORK

Establishing “fitness for duty” is an important part of a process of determining whether applicants or current employees are able to meet the essential functions of their assigned job using information based on medical examinations. In certain instances, employees may be required to have a medical examination when it is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a disability, or requests FMLA leave.

In some situations, employees may be asked to provide information from their personal physician, at their own expense, in order to determine their fitness for duty. Other Company-required physical examinations shall be paid for by the Company. Company-required physical examinations are those performed by a physician or licensed medical facility designated or approved by the Company. Medical examinations paid by the Company are property of the Company. Medical records will be treated as confidential and kept in separate medical files unless otherwise required by law or regulation.

Pre-Employment Fitness for Duty

Following a conditional offer of employment, applicants may be required to undergo medical tests, procedures, or examinations when required by federal, state, or local regulations; customer requirements; or when management determines additional information is necessary to establish that a candidate for employment can perform the essential functions of the job they have been offered.

Fitness for Duty Following Work-Related Injury

Return to work following an on-the-job injury will be managed by the employee’s supervisor or Site Manager, HSE Representative, and the Corporate Worker’s Compensation Claims Manager, in alignment with applicable State regulations.

Fitness for Duty Following Non-Work-Related Injury or Illness

If an employee will be away from work due to certain personal health conditions or injury he is expected to follow the guidelines regarding Leave of Absence and notify his supervisor or manager of the reason for the absence or leave and provide an expected date of return. Employees returning from an approved leave or an absence due to personal health may be required to provide a physician’s certification of their ability to perform the essential functions of their job satisfactorily and without endangering themselves or others. The Company reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work.

Prior to returning to work (within 48 hours or as soon as practicable), the employee shall verbally inform their supervisor of their anticipated return, and provide their supervisor with a return to work form from their treating physician if the employee:

- Is absent from work five (5) or more consecutive working days due to personal health issues; or,
- Had a muscular or skeletal injury; or,
- Had surgery or was hospitalized (regardless of length of stay); or,
- Has work restrictions or limitations; or,
- Is taking a medication (prescription or over-the-counter) that may interfere with working safely.
The return to work form must be sufficient to establish the treating physician's assessment of the employee's ability to perform their essential job functions. The company will provide a form for this purpose.

Upon receiving the return to work information, the supervisor or manager will consult with the HSE Representative for that location, site, or Business Unit. The Company may require a second and, if necessary, third medical opinion regarding an employee's return to work in accordance with the requirements of the Family & Medical Leave Act (FMLA) or the Americans with Disabilities Act (ADA) and amendments, where applicable. Any required additional opinions will be paid for by the Company.

If for any reason, the employee is unable to return to work, has restrictions, or is not cleared by medical examinations, the HSE Representative will review the request with the Human Resources Manager for that Business Unit.

For any questions about the return to work process following an illness, injury, or medical condition contact the Human Resources Manager for your Business Unit.