



FITNESS FOR DUTY

MEDICAL OR PSYCHOLOGICAL EXAM
POLICY HR013, EFFECTIVE 2014-12-30

POLICY STATEMENT

The Minnesota Department of Transportation (MnDOT) is committed to providing a safe and productive workplace for its employees and the public. Employees must be able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so throughout the entire time they are working. Under certain circumstances, MnDOT may request that a current employee undergo a medical or psychological Fitness for Duty Exam. All Fitness for Duty Exams must be job-related and consistent with business necessity.

REASON FOR POLICY

The purpose of this policy is to establish the procedures MnDOT will use if the agency has a reasonable belief based upon objective data, that:

- A current employee's illness, injury, or medical or psychological condition impairs his/her ability to perform the essential job duties with or without accommodation, or
- A current employee poses a direct threat to self, other employees, or to the public.

WHO NEEDS TO KNOW THIS POLICY?

- Managers/supervisors
- Human Resources
- Affirmative Action
- All employees

DEFINITIONS

Direct Threat

Direct Threat means a significant risk of substantial harm to the health or safety of the individual or others not eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" requires an individualized assessment of the individual's present ability to perform the essential functions of the job safely. A reasonable medical judgment relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an employee will pose a direct threat, consider the following factors:

- Duration of the risk

SENIOR OFFICER

Tracy Hatch

Deputy Commissioner/CFO/COO

POLICY OWNER

Karin van Dyck

Director, Office of Human Resources

POLICY CONTACT

Jodi Mathiason

*Manager, Labor Relations
Office of Human Resources
Jodi.Mathiason@state.mn.us
651-366-3404*

POLICY HISTORY

2014-12-30, Established

[MnDOT Policy Website](#)

- Nature and severity of the potential harm
- Likelihood that potential harm will occur
- Imminence of potential harm

Essential Functions

The essential functions of a job are those duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be essential if the position:

- Exists specifically to perform that function;
- There are a limited number of other employees who could perform the function if it is assigned to them;
- The function is specialized requiring the employee’s ability to perform that function.

Medical Consultant

The medical consultant is MnDOT’s medical advisor, who is a licensed medical physician and trained as an expert in the field of occupational medicine or psychiatry.

PROCEDURES

Determine the need for a Medical or Psychological Fitness for Duty Exam

If a manager or supervisor has reason to believe that an employee is unable to perform his/her job duties in a safe, secure, productive, and efficient manner, or that an employee poses a direct threat to self, other employees, or the public, the manager or supervisor must contact Central Office Human Resources or the district human resources designee to determine if a medical or psychological Fitness for Duty Exam is appropriate.

- MnDOT ***may request*** that an employee participate in a medical or psychological exam for the purposes of establishing the employee’s fitness for duty when the agency has a reasonable belief based upon objective data that:
 - A current employee’s injury, illness, or medical or psychological condition impairs his/her ability to perform the essential functions of the job with or without accommodation, or
 - A current employee poses a direct threat to self, other employees, or the public.
- Central Office Human Resources will discuss the need for a Fitness for Duty Exam with the employee and obtain the employee’s written consent to participate in a Fitness for Duty Exam.

Use of Medical Consultant

- Central Office Human Resources will contact MnDOT’s medical consultant to determine the time and date for the Fitness for Duty Exam.
- The employee will meet with MnDOT’s medical consultant who will administer the appropriate Fitness for Duty examination.
- The medical consultant will provide the Fitness for Duty Exam written results to Central Office Human Resources.
- MnDOT is responsible for the costs of the Fitness for Duty Exam.

Review of the Medical or Psychological Fitness for Duty Exam Results

- Central Office Human Resources will review the Fitness for Duty Exam written results from the medical consultant along with other objective data to determine the appropriate action.
- All medical information and/or private data regarding the employee that is received by MnDOT is subject to the protections of the Minnesota Government Data Practices Act, Americans with Disabilities Act and any other applicable federal or state law.
- As appropriate, consult with Affirmative Action regarding the determination of the need for reason accommodations.

RESPONSIBILITIES

Manager/Supervisor

Consult with Central Office Human Resources if:

- An employee's illness, injury, medical or psychological condition impairs his/her ability to perform the functions of the job in a safe, secure, productive and effective manner.
- An employee poses a direct threat to self, other employees or the public.

Human Resources

- Act as MnDOT's liaison with the medical consultant.
- Maintain and store medical information received from the Fitness for Duty Exam in a separate, confidential, and secure location.
- Ensure confidentiality of private data.

Affirmative Action

- Serve as a consultant and resource about the need for reasonable accommodation.

RELATED INFORMATION

[MnDOT Reasonable Accommodation policy](#)

[MnDOT Violence-Free and Respectful Workplace policy](#)

PLAIN LANGUAGE *(READABILITY SCORE FOR THIS POLICY)*

Active Voice = 100% ($\geq 90\%$)

Grade Level = 13.6 (*Grades 12-14*)

Words per Sentence = 20.0 (≤ 18 words)

MnDOT must ensure the use of [plain language](#) for all policies. All MnDOT policies use the Flesch Reading Ease formula for calculating the approximate reading level of English-language content. Microsoft Word for Windows© offers an automatic readability score. The measures MnDOT uses include, **active voice** (greater than 90% of the time), **grade level** (grades 12-14), **words per sentence** (less than or equal to 18 words).

POLICY OWNERSHIP AND AUTHORIZATION

Policy Owner

Karin van Dyck, Director, Human Resources


Signature and Date Signed

12-29-14

Governance Council

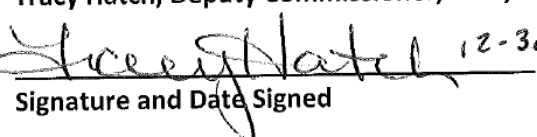
Sue Stein, Director, Corporate Services Division


Signature and Date Signed

12-30-14

Responsible Senior Officer

Tracy Hatch, Deputy Commissioner, COO/CFO


Signature and Date Signed

12-30-14