



I. FITNESS FOR DUTY POLICY

The Company is committed to maintaining a safe environment for all of its employees, visitors, and patrons. All employees of the Company must report to work mentally and physically fit for duty and able to perform the essential duties and responsibilities of their job position. The Company may ask employees about their general well-being, whether they can perform job functions, and/or whether they have been drinking or using illegal drugs, or may require an employee to participate in a physical agility test, which measures an employee's ability to perform actual or simulated job tasks.

An employee who is not able to perform his/her job, is sick, or is taking medication that might affect the employee's ability to perform his/her job is required to inform his/her supervisor immediately of the employee's inability to perform his/her job.

a. Individuals to Whom A Conditional Offer of Employment Has Been Made.

With regard to all individuals to whom a conditional offer of employment has been made in a respective job category, the Company may:

- inquire about each such individual's health, medical background, and/or impairments; and/or
- require a medical examination concerning each such individual's fitness for duty.

b. Current Employees.

With regard to the Company's employees, in the event the Company has a reasonable belief based upon objective evidence that an employee either: (1) will be unable to perform the essential functions of his or her job because of a medical condition; or (2) will pose a direct threat to others because of a medical condition, the Company may:

- inquire about the employee's health, medical background, and/or impairments as they relate to the employee's ability to perform the essential functions of the employee's job or the threat posed to others; and/or
- require a medical examination concerning the individual's fitness for duty, ability to perform the essential functions of the job, and/or ability to perform the employee's job without posing a direct threat to others.

- Independent Medical Examination.** In the event an employee fails to provide sufficient medical documentation from the employee's treating physician to the Company or the Company has a reasonable belief that the employee will pose a direct threat, the Company may require the employee



to see a health care professional of the employer's choice, at no cost to the employee.

Examples of insufficient documentation warranting an independent medical examination include, but are not limited to: (1) the employee's healthcare professional does not have the expertise to give an opinion about the employee's medical condition and the limitations imposed by it; (2) the information does not specify the functional limitations due to the employee's disability, or (3) other facts indicate that the information provided is not credible or is fraudulent.

ii. Employees On Leave For a Medical Condition.

If an employee is on leave for a medical condition and: (1) the employee's leave request does not specify an exact or fairly specific return to work date or (2) the employee needs continued leave beyond what was originally granted by the Company, the Company may require the employee to provide periodic updates on his/her condition and possible date of return.

In the event the employee is on leave pursuant to the Family Medical Leave Act (FMLA), the employee's leave shall be subject to the provisions of the FMLA.

iii. Employees Who Wish to Return To Work Following Leave For A Medical Condition.

In the event an employee has been on leave for a medical condition and the Company has a reasonable belief that the employee's present ability to perform the essential functions of his/her job may be impaired and/or that the employee will pose a direct threat because of a medical condition, the Company may:

- inquire about the employee's health, medical background, and/or impairments as they relate to the employee's ability to perform the essential functions of the employee's job or the threat posed to others; and/or
- require a medical examination concerning the individual's fitness for duty, ability to perform the essential functions of the job, and/or ability to perform the employee's job without posing a direct threat to others.

In the event the employee is on leave pursuant to the Family Medical Leave Act (FMLA), the employee's leave shall be subject to the provisions of the FMLA.



- c. **Disciplinary Action.** If an employee is not meeting performance standards and the Company has a reasonable belief based upon objective evidence that such failure is based upon a medical condition, and the employee: (1) refuses to provide sufficient information regarding his/her ability to perform the essential functions of his/her job and/or (2) refuses to undergo a medical examination, the employee shall be subject to discipline up to and including termination at the Company's sole discretion.

- d. **ADA Compliance and Reasonable Accommodations.**

It is the Company's policy to comply with all state and federal laws concerning employment of individuals with disabilities and to act in accordance with the regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). The Company strictly prohibits discrimination against qualified individuals with disabilities with regard to all terms and conditions of employment, including, without limitation, applications, hiring, training, compensation, promotion, transfer, disciplinary action, layoff, return from layoff, and termination.

The Company is committed to providing accommodations so long as accommodations do not place an undue hardship on business operations or pose a threat to the health or safety of employees in the workplace. Employees should submit any request for an accommodation to their immediate supervisor and/or the Company's Human Resources Department.

Retaliation for requesting an accommodation is strictly prohibited.

- e. **Confidentiality.**

All information, documents, and/or records obtained by the Company concerning medical conditions or history of employees, including genetic information, is maintained in separate medical files and treated as confidential records that are disclosed only as permitted by law.