

**Memorandum of Understanding  
Between  
ATU #1384 and Kitsap Transit**


Final Settlement of ULP No. 19961-U-05-05067

ATU #1384 and Kitsap Transit have jointly revised Return-to-Work procedures for Operators who are returning to work after medically related absences of 30 days or more. With the completion of the following documents, the dispute related to the above referenced ULP has been resolved. The documents in this settlement include:

- RTW Procedures: Routed and ACCESS Operators (Effective 9/1/06)
- RTW: Functional Assessment Flow Chart (Effective 9/1/06)
- Assessment Form: RETURN TO WORK (RTW) ACCESS AND ROUTED OPERATOR – FUNCTIONAL ASSESSMENT (FA) (EFFECTIVE 9/1/06)

The documents are attached.

Signed:



Rita DiLenno, ATU 1384 President

8/16/06

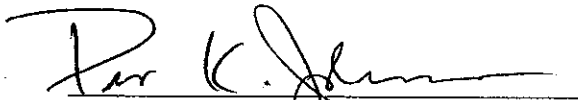
Date



Roy Harrington, Operations Director

8/17/06

Date

  
Per K. Johnsen, Kitsap Transit

8/14/06

Date

# **RTW Procedures: Routed and ACCESS Operators**

Effective 9/1/06

## **Functional Assessment**

All Kitsap Transit operators, Routed and ACCESS, who are returning to work from an absence of 30 or more consecutive days due to their own medical condition, shall complete a Functional Assessment (FA). When Kitsap Transit Human Resources receives a completed Return to Work form indicating that the operator has the ability to perform the essential functions of the job for a minimum of two hours per day, the Operations Department will schedule the FA as soon as possible. Kitsap Transit will place the operator on paid status upon reporting for the FA. If the operator is unable to complete the FA, then he or she may retake that entire FA the next business day, with a different supervisor and a shop steward, if requested. If the Operator successfully completes the FA, Management will then perform the regular Drive Check (DC). The operator will be back on the driving schedule upon successful completion of both the FA and the following Drive Check (DC).

If the operator is unable to complete the FA Kitsap Transit will make an appointment for the employee to meet with his or her doctor as soon as possible. Prior to the appointment, HR will provide the doctor with copies of the original Return To Work form, a new Return To Work form, and copies of the unsuccessful Functional Assessment(s). The operator will be on paid status from the time of reporting for the FA and until Kitsap Transit hears back from the operator's doctor; the pay will either be from L&I, STD, or, in the case of operators who were on unpaid medical leave, Kitsap Transit Administrative Leave pay. The operator is expected to cooperate fully and not delay the RTW process.

## **Doctor's Decision**

Should the operator not successfully complete the FA, the doctor may:

- Place the operator back on medical leave until he or she is able to complete the FA. The operator will submit a new completed Return to Work form at the end of the extended leave and Kitsap Transit will schedule another FA. Kitsap Transit will keep the position available for the operator for up to twelve months from the beginning of the original leave.
- Decide that, with the time taken to schedule the appointment, the operator should be able to complete the FA. The operator will submit a new Return to Work form from his or her doctor. Kitsap Transit will then schedule a second FA.
- Decide that the original Return To Work form should stand as presented to Kitsap Transit and that the operator should be assigned back to work. In that case, Medical Arbitration provisions apply.
- Decide that the operator will not be able to perform the task(s) of the job within twelve months of the original leave. Kitsap Transit will schedule a pre-termination hearing.

**Note:** Kitsap Transit and the ATU 1384 recognize that there may be rare circumstances that are not completely covered by these procedures. In those cases Kitsap Transit and ATU 1384 will meet to discuss a solution.



**RETURN TO WORK (RTW)  
ACCESS AND ROUTED OPERATOR  
FUNCTIONAL ASSESSMENT (FA)**

Effective 9/1/06

Operator (Print): \_\_\_\_\_ Date: \_\_\_\_\_ Bus Used: \_\_\_\_\_

Supervisor (Print): \_\_\_\_\_ Start Time: \_\_\_\_\_

**Instructions:** The operator and supervisor shall review the entire document before conducting the FA. The operator should not do anything that may lead to injury/re-injury. The FA is required of all operators returning to work who have been absent for 30 or more consecutive days due to their own medical reasons. There are two parts to the RTW process: the first is the FA that reviews the physical demands of the job; the second is the Drive Check that reviews driving performance.

This is not a timed event and should be viewed as if the operator would be doing these things over the course of one or two trips (both parts combined should take approximately one and one-half hours to complete.) All items **MUST BE** addressed and in the order listed. All numbered items below must be marked as "Completed", "Not Completed" or "Not Attempted".

The supervisor and operator will initial prior to conducting the FA.

Supervisor's Initials: \_\_\_\_\_ Time: \_\_\_\_\_

Operator's Initials: \_\_\_\_\_ Time: \_\_\_\_\_

**1. Walking Capability:** Walk continuously for approximately ¼ mile (400 yards), then immediately walk into the assigned bus and sit in the driver's seat. *This is designed to check the ability walk to/from the bus to/from the driver's room, or transfer center to/from the restroom and return to the bus.*

Completed                       Not Completed                       Not Attempted

Comments: \_\_\_\_\_

**2. General Flexibility Capabilities:** Exit the bus and reach for and/or touch the following: a) tire lug nuts, b) inside of duals, c) fuel cap for tightness, d) fire extinguisher, e) safety triangles, f) tire chains. After opening the engine compartment, check, a) oil level, b) transmission fluid level, c) coolant level, d) belts. *This is designed to ensure a proper pre-trip can be completed.*

Completed                       Not Completed                       Not Attempted

Comments: \_\_\_\_\_

**3. Driver's Compartment Capabilities:** Sit in the driver's seat and make any necessary adjustments as if preparing to drive. While in the driver's seat the operator should reach and adjust the following: a) open the driver's side window, b) adjust the outside driver's side mirror – exit and adjust the right outside mirror if necessary, c) program the head sign with "199" on "A" and "1700" on "B", if applicable, d) touch and/or program/sign-in on the DDU or MDT unit, e) touch knobs and control switches applicable to operating the vehicle, f) ensure parking brake is set, start the bus and leave it running, g) turn on the bus radio and leave on channel B, h) turn on 4-way flashers, i) open and close the passenger door 3 times, leave the door open – it may be necessary to let the air pressure build.

Completed

Not Completed

Not Attempted

Comments: \_\_\_\_\_

**4. Passenger Loading Capabilities:** a) exit the bus and walk around it once to ensure that the flashers are working, b) lift and carry two, 15 lb. bags up the passenger steps and place the bags on a seat in the third row of the bus, c) exit the bus and with the supervisor in a wheelchair load and completely secure the wheelchair - this procedure includes opening the lift door, raising seats and attaching all (including lap) belts, d) close the lift door as if readying the bus to depart. The supervisor exits the wheelchair, leaving it secured.

Completed

Not Completed

Not Attempted

Comments: \_\_\_\_\_

**5. Driving Capabilities:** a) depress the brake pedal 3 times, b) depress the accelerator pedal, c) activate the left and right turn signals, d) using either the hand over hand or push-pull method, turn the steering wheel one rotation clockwise, then one rotation counter-clockwise, e) touch the DDU and/or MDT, and/or the fare box as necessary to demonstrate recording a passenger boarding, f) with both hands starting on the steering wheel, turn the torso/head/neck to the right, as if greeting a passenger or responding to a question, g) with the supervisor off the bus and using a portable radio, the operator should be asked a question and respond correctly.

Completed

Not Completed

Not Attempted

Comments: \_\_\_\_\_

**6. General Strength Capabilities:** a) open and close the roof vent – may use a step stool, b) open and close the emergency window, c) after lowering the wheelchair lift to the ground, manually raise the lift platform a minimum of 1 foot, d) secure the lift through normal procedures.

Completed

Not Completed

Not Attempted

Comments: \_\_\_\_\_

**7. Passenger Off-Loading Capabilities:** After the supervisor returns to the wheelchair: a) open the wheelchair door and prepare the lift, b) undo all wheelchair belts, c) unload the wheelchair, d) close the wheelchair door and secure the lift, e) re-enter the bus and retrieve the two, 15 lb. bags and deliver to the supervisor outside of the bus, f) re-enter the bus and sit in the driver's seat.

Completed                       Not Completed                       Not Attempted

Comments: \_\_\_\_\_

**8. Post-trip Capabilities:** a) ensure the driver's window is closed, b) shut off coach, c) turn off radio, d) close all vents and windows, e) conduct a walk-through as if looking for lost and found items, f) pick up trash can, as if to empty it, g) exit bus, ensuring all doors are closed – may require releasing air valve, depending on type of bus, h) obtain mileage – may be done out of order, depending on type of bus, i) conduct a final walk-around bus.

Completed                       Not Completed                       Not Attempted

Comments: \_\_\_\_\_

**This is the end of the FA. Both the supervisor and operator need to sign and date this form. Signing the form does not necessarily mean agreement. The operator may provide comments if he/she wishes.**

**If all numbered items are marked as "Completed", initial and proceed to the Drive Check.    \_\_\_ / \_\_\_**

**If one or more items is/are marked as "Not Completed", or "Not Attempted", the operator shall select one of the following options after initialing.                      \_\_\_ / \_\_\_**

- Repeat FA
- with a diff. Sup. or
- with same Sup.
- with a shop steward or
- without a shop steward
- Return to Dr.
- Resign position

Operator Comments (if desired): \_\_\_\_\_

Operator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_