

4. Medical Standards Programs of U.S. Railroads

With the exception of examinations for vision and hearing, U.S. railroads have discretion as to the content, frequency and extent of their medical screening programs. This chapter describes the current approaches used by representative Class 1, short line/regional and commuter railroads. Structured interviews with medical officers, medical directors, claims managers, and HR managers were the means for obtaining the information in the following subsections. There is a subsection for each of the three categories of railroad. Within each subsection there is a summary table followed by descriptions of each railroad's program.

4.1 Class 1 Railroads

Five Class 1 railroads were interviewed. Amtrak was in the process of revising their medical standards program during the time that this information was collected and as a result was unable to provide a description of their program. Table 11 summarizes the features of the five programs described below.

4.1.1 Burlington Northern Santa Fe Railway (BNSF)

Current Requirements

With few exceptions BNSF has no specific medical standards. Guidelines are developed through literature review, comparisons with other transportation modes, rail guidelines from other countries and, internal consensus with legal, medical, labor relations, and operating departments.

All BNSF employees must pass a post-offer medical examination. Locomotive Engineers and Remote Control Locomotive Operators are examined every 3 years to ensure that they meet the FRA standards for hearing and vision. Commercial motor vehicle drivers are examined at least every 2 years per current FMCSA medical standards. Other crafts are not assessed on a routine basis. Aside from engineers, commercial drivers and other mandated examinations such as hearing and respirator fitness, there are no regularly scheduled fitness-for-duty examinations. Fitness-for-duty evaluations are performed as the need arises based on safety, performance, attendance or behavior issues.

All cases are reviewed prior to return-to-work following an illness or injury. Each case is reviewed on an individual basis. A medical exam is required for certain high risk cases. The level of review depends upon the safety risk of the position and the medical diagnosis. There is a minimum 1 year wait for return-to-work for most employees with a seizure, unless they can totally avoid moving or working around moving equipment, at heights or working alone. When an employee changes position, s/he undergoes the complete pre-placement process, including an examination.

Medical examiners for new hire, job change, and commercial drivers are coordinated through a third party vendor. The Engineer Certification department coordinates the engineer examinations. In contrast, the BNSF medical department selects the examiners who perform fitness-for-duty examinations. Examiners performing fitness-for-duty examination are sent a detailed letter including known medical issues. The examiners are not provided with detailed job

Table 11. Summary of Class 1 railroad medical standards programs

	Burlington Northern Santa Fe (BNSF)	CSX Transportation (CSX)	Kansas City Southern (KCS)	Norfolk Southern (NS)	Union Pacific (UP)
	No	Yes	Yes	Yes	No
Medical guidelines beyond FRA and FMCSA requirements?	Limited				
Types of exams beyond FRA and FMCSA requirements	<p>Post-offer</p> <p>Fitness-for-duty</p> <p>Return-to-work</p> <p>Change of position</p>	<p>Post-offer</p> <p>Fitness-for-duty</p> <p>Return-to-work</p> <p>Change to safety-sensitive position</p>	<p>Post-offer</p> <p>Fitness-for-duty</p> <p>Return-to-work</p> <p>Change of position</p>	<p>Post-offer</p> <p>Fitness-for-duty</p> <p>Return-to-work</p> <p>Change to safety-sensitive position</p> <p>Comprehensive periodic examinations performed on scheduled basis for police officers, train and engine crews, hostlers, and bridge tenders</p>	<p>Post-offer</p> <p>Fitness-for-duty</p> <p>Return-to-work</p> <p>Change to safety-sensitive position</p>
Examiners and examination program	<p>Program and examiners coordinated by outside vendor.</p> <p>Fitness-for-duty examinations, both examiners and examination are coordinated by medical department</p>	<p>Program and examiners coordinated by company and are company designated but not under contract.</p> <p>Proposal to coordinate with vendor for examinations</p>	<p>Program and examiners coordinated by company and are company designated, but not under contract.</p>	<p>Program and examiners coordinated by and are company sponsored, but not under contract.</p> <p>Examiners selected, reviewed, credentialed and approved by NS</p>	<p>Program and examiners coordinated by outside vendor</p>
Information given to examiner	<p>Exam protocol</p> <p>Medical information if available</p>	<p>Exam protocol</p> <p>Medical information if available</p> <p>Job functions</p>	<p>Examiners provided with medical standards, regulations, and functional analysis of positions</p>	<p>Fee-for-service provider manual</p>	<p>Varies depending on type of examination</p>

	Burlington Northern Santa Fe (BNSF)	CSX Transportation (CSX)	Kansas City Southern (KCS)	Norfolk Southern (NS)	Union Pacific (UP)
Program Management	Vendor	Company	Company	Company	Vendor
Role of personal health care provider in return-to-work	Provides release to work, subject to review by Medical Department	Provides release to work, subject to review by Medical Department	Provides release to work, subject to review by Human Resources Department and consultation with CMO if indicated	Provides release to work, subject to review by Medical Department	Provides release to work, subject to review by Medical Department.
Information to personal health care provider	Employee expected to discuss job requirements with personal health care provider	Employee expected to discuss job requirements with personal health care provider	Employee expected to discuss job requirements with personal health care provider	Employee expected to discuss job requirements with personal health care provider	Employee expected to discuss job requirements with personal health care provider
Prescription/OTC drug reporting policy not related to federal drugs and alcohol testing?	No Advised to discuss with health care provider	Yes	Yes	Additional information is provided as applicable Yes	No Advised to discuss with health care provider
Medical condition reporting policy other than for lost time or restrictions?	No, advised not to work if employee believes medical condition impacts ability to perform duties Advised to discuss with health care provider	If employee believes medical condition impacts ability to perform duties	If employee believes medical condition impacts ability to perform duties	Advised to discuss with health care provider, except police officers, must report medications If employee believes medical condition impacts ability to perform duties.	If employee believes medical condition impacts ability to perform duties

	Burlington Northern Santa Fe (BNSF)	CSX Transportation (CSX)	Kansas City Southern (KCS)	Norfolk Southern (NS)	Union Pacific (UP)
Job Accommodation	Attempt to accommodate	Attempt to accommodate. Otherwise offered services of in house vocational rehabilitation counselors	Labor agreements do not address job accommodations. Generally do not for an off-duty injury or illness but will try for on duty	Accommodation process in place A rehabilitation function looks for alternate work if employee has restrictions preventing return to current position and no available accommodations	Attempt to accommodate
Health promotion?	Various	No	No	Periodic wellness advice provided in company publications	Extensive
Periodic examination schedule tracking	Commercial driver medical certification examination through outside vendor Engineer Certification Department coordinates engineer medical examinations through outside vendor	Medical Department	Engineer tracked through Transportation Department. Commercial Drivers through Maintenance of Way	Medical department	Outside vendor
Resources	3 physicians, 3 contracted regional medical directors, and 1 physician employed by vendor Approximately 20,000 evaluations/yr	Chief Medical Officer, 1 Medical Affairs Officer, 1 CSX nurse. Exceptions or questions are reviewed by Chief Medical Officer. 10,000 examinations last year.	31 company examiners, 90 percent MDs or DOs. Rest are PAs and Advanced Practice Nurses Director of HR and manager responsible for medical and drug testing Also part-time contracted Chief Medical Officer (CMO)	2 physicians, 1 physician assistant, 2 occupational health nurses and 2 medical standards coordinators in medical department as well as support personnel. About 500-600 fee-for-service examiners throughout the system.	Chief Medical Officer, 1 employed UP nurse, and multiple third party physicians, administrators, and nurses (20+ in shops, 4 – 5 in Omaha, and about 20 working with claim as case managers).

information as they are asked to determine functional abilities with the medical department determining whether an individual can perform a specific job based on those abilities. The vendor provides information, including a brief job description, to the examiner for new hire exams. Examiners are also provided with guidance in performing the commercial driver medical examination.

Review of medical conditions for return-to-work is also coordinated through an outside vendor. Following a medical leave, the personal health care provider has the responsibility for determining whether an individual can work. If the third party reviewer does not agree with the recommendation of the personal health care provider, the medical department will contact the provider to discuss the case. The medical department can overrule the recommendation of the personal provider. Descriptions of job responsibilities are to be given to the provider by the employee. When the diagnosis may be a safety concern, the third party vendor contacts the provider to discuss job responsibilities or, if applicable federal medical standards. Fitness recommendations from personal providers are reviewed in greater detail for individuals in safety critical crafts.

Self-Reporting of Medical Conditions

BNSF empowers their employees to not work if they have a condition that affects their ability to safely perform their job. Employees are currently required to notify the railroad about medical conditions that result in lost time or medical restrictions. For those conditions, the impact of the condition on safety is assessed prior to return-to-work. Employees are instructed to review any medications they may be taking with their treating provider and if more than one, a single provider must be aware of all medications. The employee must ensure that his/her health care provider is aware of the job tasks and the health care provider must determine whether use of the medication is consistent with safe performance of job tasks.

Job Accommodation

BNSF tries to accommodate the employee whenever possible for transitional work. The ability to accommodate long term/indefinite restrictions is limited by the scope of jobs as defined by union agreements

Improvements

BNSF feels that it would be helpful if there was more standardization within the industry for medical standards but still leaving room for individual railroad flexibility.

Health Promotion Activities

BNSF has a health screening and follow up program coordinated through an outside vendor. There is also a system wide program of health promotion communication with mailings and web-based information.

Resources

Within BNSF there are three physicians, two involved in the fitness-for-duty programs on a daily basis. There are three contracted regional medical directors and another physician employed by the vendor involved in reviewing examinations. There are approximately 2000 clinic examiners used throughout the system. Vans are used for hearing assessments, respirator fitness, and lead and Hazardous Material Operator evaluations. Overall about 20,000 evaluations are performed

per year including pre-placement, commercial driver, hearing, job change, engineer certification and fitness-for-duty. Approximately six fitness-for-duty examinations are performed per month. The Engineer Certification Dept. is responsible for scheduling the periodic vision and hearing screening of engineers.

4.1.2 CSX Transportation (CSX)

Current Requirements

CSX has no formal written medical guidelines. Employees are currently examined upon hire and in accordance with Federal regulations for locomotive engineers and commercial drivers. CSX also requires an examination if an employee has been off work for more than 1 year and is ready to return-to-work. If a supervisor identifies in writing a fitness concern, the medical department will review information provided by the treating health care provider and, if appropriate, a fitness-for-duty examination is ordered.

Medical examiners are currently company approved, but not under contract. Examinations are coordinated through the medical department but there is a consideration to employ a vendor for this purpose.

CSX provides the examiner with examination protocols and, if applicable, medical information which may have been submitted to the medical department by the treating provider. Examiners are also given essential job functions. These job descriptions are currently being revised, with an attempt to make them more site specific.

The personal health care provider's main role in the process is in releasing employees to work. They base the release on what the employee tells them regarding job requirements. Treating providers are requested to provide information on medications or medical conditions when identified.

Self-Reporting of Medical Conditions

The CSX safety rulebook contains a requirement that if the employee is on medication which may impair, s/he is required to report to the medical department but it is suspected that few employees do report. The rule states, "Employees shall neither report for duty nor perform service while under the influence of, nor use while on duty or on CSX property, any drug, medication, or other substance, including prescribed medication that will adversely affect the employee's alertness, coordination, reaction, response, or safety." The medical department has a form for reporting medication use. Review of these forms by the medical department may identify medical conditions that require a fitness-for-duty review.

Job Accommodation

If the railroad is unable to accommodate an employee, the employee is offered the services of the in house vocational rehabilitation counselors, regardless of whether the medical condition is on or off duty. They do have difficulty with employees crossing crafts because of labor agreements and employees losing seniority if changing crafts. Within the same craft, seniority will affect the ability to accommodate.

Improvements

The CSX Medical Department would like to see specific guidance on issues such as diabetes, seizures, similar to what is available for commercial drivers.

Health Promotion Activities

There are currently no health promotion activities.

Resources

CSX performed 10,000 examinations last year. The annual number depends on hiring. The distribution of examinations by type is shown in Table 12.

There are three clerks (one full time and two that have other responsibilities) who review the examinations. If there are any exceptions or questions, the Chief Medical Officer reviews the examination findings. The scheduling of engineer medical examinations is coordinated through the engineer certification department.

Table 12. CSX distribution of exams by type

Type of Exam	Annual Number
DOT exams	2364
FRA exams	2828
Furlough	296
Hazmat	7
Illness return-to-work	2065
Leave-of-absence return-to-work	8
Return-to-work/ on-duty injury	593
Periodic	27
Post-offer	2204
Reinstate	88
Canadian regulations	14
Transfer	115
Special	287
Return-to-work/ 1 yr	212
Other	35

4.1.3 Kansas City Southern Railroad (KCS)

Current Requirements

KCS has medical standards for all crafts and positions. The standards are based primarily on functional requirements. Examinations are performed post-offer, upon change of position,

especially to a more physically demanding one, and upon return-to-work after a medical leave of 7 or more days. When surgery is performed, an examination may be required if the employee is only off 2-3 days. A detailed release from the treating provider is reviewed and must include the following: date of first care or treatment, diagnosis, treatment provided, prognosis and any restriction or whether employee can return to full duty. This is reviewed by an HR manager. At that point the employee is scheduled for an examination with a company designated physician.

When physician assistants or advanced practice nurses perform the examination, the examination results are generally signed off by the physician. Examiners are provided with medical standards, regulations, and functional analysis of the positions. There is also a part-time contracted Chief Medical Officer (CMO) who will review if questions arise.

Periodic examinations are performed as required by regulation for locomotive engineers and commercial drivers. These periodic examinations only include the required aspects.

A Fit for Duty examination may be performed when the supervisor suspects that an employee is not functioning well. If a condition is found that prevents the employee from performing his/her duties then s/he is removed from service and placed on personal medical leave. Depending on medical conditions identified during any medical evaluation, the CMO may require periodic follow up and examinations.

Self-Reporting of Medical Conditions

There is no rule requiring notification if treated for a medical condition, however, KCS requires employees to notify their supervisor if they are receiving any treatment which may prevent them from performing their job. If reported, the employee may be sent to a company designated physician for an examination if there is concern about the ability to perform duties. Employees who are taking medications are required to report this to their supervisor. This information is then forwarded to HR and medication is reviewed using the *Physicians Desk Reference* (PDR). For questions in the review process, the CMO is consulted. There is currently no discipline if an employee fails to report use of a prescription drug.

Internal Review

Medical criteria have been in place since 1994. When applicable they are updated, consistent with federal requirements.

Job Accommodation

KCS labor agreements do not address job accommodations. Generally KCS does not accommodate employees who need restrictions for an off-duty injury or illness. If an employee misses time, they will be covered through the RRB sickness benefits. Some crafts also have short term disability insurance through Unum.

Improvements

KCS would like to see guidelines on vision testing updated to include new equipment which can be used for vision testing.

Health Promotion Activities

There are no on-site health promotion activities. Employees are encouraged to participate in community health promotion activities.

Resources

There are a Director of HR and a manager responsible for the medical and drug testing programs. Scheduling for engineer certification examinations is through the transportation department and for commercial drivers through maintenance of way. In addition to the part-time CMO, there are 31 company-designated examiners. Approximately 90 percent of the examiners are MDs or DOs.

4.1.4 Norfolk Southern Railroad (NS)

Current Requirements

NS has medical guidelines for various medical conditions (and medications) potentially impacting the safe work performance of essential job functions for individuals in safety-sensitive and/or non-sedentary positions. Medical guidelines have been developed by medical directors based on scientific literature, discussion with experts in the field and review of current practices of providers in the community. There is an ongoing review and updating of the guidelines.

All qualification determinations are based upon an individualized assessment, including the individual's medical condition, essential job functions and any available reasonable accommodations. Most of the medical guidelines are not craft specific except where specified by federal regulation, i.e. locomotive engineers and commercial motor vehicle operators.

Post-offer exams are performed on all employees. Comprehensive periodic physical examinations are performed on a scheduled basis for police officers, commercial drivers, train and engine crews, hostlers, and bridge tenders. Return-to-work from illness or injury also necessitates a medical examination. The interval of time off work which would require a medical examination is currently under review. Examinations are also performed for employees changing from a non-safety-sensitive to a safety-sensitive craft. The Medical Director authorizes fitness-for-service examinations. These exams evaluate a current employee's physical and mental ability to safely perform the essential functions of his/her job. This type of exam may be triggered by receipt of medical reports and findings, and employee's, coworker's and/or supervisor's observations and/or concerns that substantially support the need to address the individual's medical fitness-for-duty.

NS manages its own examination program. Medical examiners are physicians, or PAs and NPs under the direct supervision of a physician. NS selects, reviews, credentials and approves its examiners. NS provides manuals to its fee-for-service providers to assist them in evaluating the fitness for service of applicants and employees. Each physical examination report is reviewed within the medical department for thoroughness. Any discrepancies or concerns are followed up with the providers by the medical department staff and the NS Medical Director renders the final qualification determination. NS removes providers whose services are not adequate.

The employee's personal physician provides the release to work which is subject to the review of the Medical Department. Depending upon the medical condition and job function, additional medical information may be required. In some cases, NS Medical Department will work directly with the treating provider where additional information, follow up and/or clarification is needed. The NS Medical Department may advise providers of medical guidelines or regulations if applicable. The Medical Department may also provide clarification of job duties. Personal providers are made a part of this process as appropriate.

Self-Reporting of Medical Conditions

NS requires an in-service employee to notify his/her supervisor if s/he sustains an off-duty personal injury or illness adversely affecting his/her ability to perform regularly assigned duties. NS' safety and general conduct rule book states that, "An employee who sustains an off-duty personal injury or illness adversely affecting his ability to perform his regularly assigned duties must inform his supervisor of the injury/illness before reporting for his next shift or tour of duty."

The employee must determine whether or not s/he needs to notify the supervisor. The NS Medical Department has an 800 number which employees can call to determine what types of information may be required upon return-to-work following a medical absence. The medical department reviews return-to-work and examination documentation and may contact the individual and/or his/her provider for additional information as appropriate.

Police officers are required to report any medication they are taking. Other crafts may be covered under drug policy and 49 C.F.R. § 219.103. All examination forms include questions about medications and these are also reviewed and followed up as appropriate. On the 800 number, employees are advised that controlled substances are prohibited by federal law unless the medication is prescribed by a provider and its use at the prescribed dose does not interfere with safe performance of their duties. Opiates are not permitted while on duty or within a minimum of 6 hours prior to duty in any safety-sensitive or non-sedentary position. Employees are advised to discuss with their provider any medication they might be taking and any potential impairment. The 800 number offers the option for the personal health care provider to review with the Medical Department any questions they might have.

Job Accommodation

All qualification determinations are based upon an individualized assessment, including the individual's medical condition, essential job functions and any available reasonable accommodations. There is a rehabilitation function in the Company that looks for alternate work if an employee has restrictions preventing the employee from returning to his/her current position and there are no available reasonable accommodations. The inability of an employee to hold a position that would meet his requirements due to insufficient seniority would be handled as a labor issue rather than a medical one. Labor agreements generally do not specifically address accommodations.

Improvements

NS feels its program is operating satisfactorily.

Health Promotion Activities

There are no system wide health promotion programs, other than periodic wellness advice provided in Company publications. Health promotion activities occur at the local level, where safety committees have health material available including community based resources such as the American Heart Association and the American Cancer Society.

Resources

There are two physicians, one physician assistant, two occupational health nurses and two medical standards coordinators in the medical department as well as support personnel. There

are about 500-600 fee-for-service examiners throughout the NS system. The Medical Department schedules all periodic medical examinations.

4.1.5 Union Pacific Railroad (UP)

Current Requirements

Union Pacific does not have any specific medical standards. Attempts to have specific standards have been met with rejection under EEOC arguments. The UP feels that ADA considerations have prevented the industry from having specific blanket medical standards. Additionally, they feel guidelines must be generic and have to be approached on an individual case by case basis.

Union Pacific uses the medical standards of federal regulatory agencies. This includes those required for truck drivers as well those for the locomotive engineers. Employees are examined on a periodic basis according to the regulations. In addition, UP has OSHA regulatory examinations for its respiratory protection program and hearing conservation program.

All employees must have a post-offer examination. Other than the post-offer exam, there are two other circumstances that necessitate medical evaluation. Employees returning to work from illness or injuries may be subjected to return-to-work evaluations. If an individual has been off work for more than a year, or there is an issue of regulatory fitness, the individual may be subjected to a return-to-work examination. Otherwise, if an employee has been off work for less than a year and provides adequate documentation from his/her doctor clearing a return-to-work, the railroad would not necessarily order an examination. An examination may also be ordered if the railroad has concerns about the return-to-work recommendation from the treating provider.

Employees may be required to undergo medical examinations for fitness-for-duty purposes. This type of examination occurs when the health services department is made aware of observed behavior which raises concerns about the individual's ability to do his/her job. Managers are encouraged to contact the health services department and discuss the case with a fitness-for-duty nurse before making a determination that such an examination is warranted.

UP uses a third party vendor to coordinate a network of medical examiners throughout the system. Depending on the type of examination required, information may be provided by the medical department asking them to address specific questions. The third party vendor or the UP fitness-for-duty nurses in Omaha review the results of all examinations.

Self-Reporting of Medical Conditions

An employee is responsible for notifying the railroad when s/he develops a medical condition which may impact safe performance of his/her position. There are no specific guidelines for which conditions must or must not be reported, but if the employee believes it may impact his/her ability to do his/her job, UP medical rules require the employee to advise the health services department. It is the employee's obligation to provide that information to the health services department. They may do it through their manager in advising them that they have a condition that may require restrictions or accommodations for, or it may be done in conjunction with a return-to-work.

UP does not require individuals to report prescription or over-the-counter drug use as it is not manageable for the railroad. UP policy requires employees to discuss the use of the medications with their doctors. If the employee is in a safety-sensitive position (covered by Hours of

Service), they need to maintain documentation on their person that they have discussed such with their personal doctor and they feel that they are safe to do their work.

Internal Review

Medical Rules are currently being reviewed.

Job Accommodation

UP job descriptions include certain physical requirements for some positions. For those employees who do not meet the physical requirements, restrictions will be determined by the medical department and accommodations will be referred to the supervising managers. If an individual cannot be accommodated, then UP will utilize other services to try and find another job that meets the individual's abilities.

Improvements

UP would like to see an industry standard for safety-sensitive jobs.

Health Promotion Activities

Union Pacific has an extensive health promotion program.

Resources

UP has computer databases to track employees who may be due for periodic physical examinations. The railroad notifies each employee when s/he is due for an examination and refers the employee to the medical provider.

The railroad has a Chief Medical Officer, multiple physicians in the field, third party administrators who help with physical examinations, and close to 50 nurses in its clinics. About 20 nurses are in the shops, four or five are based in Omaha and about 20 work with the claims department as case managers. Data on the number of individuals involved in the program, other than nurses, was not available.

4.2 Commuter Railroads

Two commuter railroads, Metro-North Railroad and NJTransit, provided information. Table 13 summarizes the features of their programs.

4.2.1 Metro-North Railroad

Current Requirements

Metro-North has medical standards in place for all crafts. This includes federally regulated standards for locomotive engineers and CDL drivers, standards for other Hours of Service employees including conductors and rail traffic controllers, and further standards for positions such as: B&B mechanic, carman, coach cleaner, lineman, signal maintainer, skilled trades, track worker; TCU categorization by job family; and general information guidelines divided into categories such as clerical/secretarial, ticket seller, custodial, customer service representative.¹⁵

¹⁵ Metro-North refers to their dispatchers as "rail traffic controllers."

Table 13. Summary of commuter railroad medical standards programs

	Metro-North	NJTransit
Medical guidelines beyond FRA and FMCSA requirements?	Yes	No
Types of exams beyond FRA and FMCSA requirements	Post-offer Change to safety-sensitive position Return-to-work Fitness-for-duty Locomotive engineers, conductors and rail traffic controllers require full exams every 3 yr	Post-offer Change to safety-sensitive position Return-to-work Fitness-for-duty Conductors, assistant conductors and trainmen must have exam every 3 yr until 50, then every 2 yr thereafter
Examiners and examination program	Examiners are designated by outside vendor	Either part-time employed physicians of NJT, or designated fee-for-service physicians
Information given to examiner	Job description Employee medical records Policy and procedures regarding examination Medical guidelines Exam protocol	Job descriptions Employee medical records Certificates of license Exam protocol
Program Management	Company	Company
Role of personal health care provider in return-to-work	Not available	Provide return-to-work certificate. Medical department reviews certificate and authorizes work
Information to personal health care provider	Not available	Job description and other information per request
Prescription/OTC drug reporting policy not related to federal drug and alcohol testing ?	Yes	Yes
Medical condition reporting policy other than requiring lost time or restriction?	Yes	Yes
Job Accommodation	Attempt to accommodate; work with limitations	Attempt to accommodate; work with limitations
Health promotion?	Yes	Yes
Periodic examination schedule tracking	Occupational Health Services Department	Not available
Resources	Two physicians, two PA's, two RN's and one LPN Approximately 500 exams/yr	856 periodic, 359 post-offer, 52 pulmonary and audio, and 21 change of job exams

A vendor group worked with Metro-North's Testing and Validation Unit of the Human Resources Department to develop the medical standards as they relate to the job description.

All employees must pass a post-offer medical examination. Locomotive engineers require full exams every 3 years, as do conductors and rail traffic controllers. Commercial motor vehicle drivers are required to be examined every 2 years. Other positions do not require periodic review. Change of craft exams are performed when an employee changes crafts into a safety-sensitive position.

Employees will also undergo a medical exam between regular evaluations if they are out of work for 14 days or more; or if the supervisor thinks there is a medical and/or safety concern such as multiple short absences, work place safety, or a potential communicable disease. The supervisor/manager makes the determination. They may also call the OHS (Occupational Health Service Dept.) for advice.

Physicians and Certified Physicians Assistants perform all exams. As of October 2003, Metro-North has contracted their Occupational Health Service to CHD Meridian. The vendor conducts examinations at the Metro-North Railroad Occupational facility. Exams are tracked by the department. They are scheduled on or near the employee's birth month.

Examiners are given policy and procedures regarding examination, medical guidelines, employee medical files, and job descriptions.

Self-Reporting of Medical Conditions

General rules for the self-reporting of medical conditions are set forth in the MTA/Metro-North Railroad "Rules of the Operating Department" book. It is the employee's responsibility to report any medication use or problems to his/her supervisor who will then refer the employee to OHS. OHS will contact a company appointed physician or Medical Review Officer and they make the decision as to whether the medication is impairing enough to restrict them from duty. Job descriptions are given to the examiners.

An employee with a question regarding medication or illness will call OHS to speak with the health professional. Some employees bring prescriptions to OHS for review, to question if it is okay to be on duty.

Job Accommodation

Employees may be placed in a "not qualified" or "restricted duty" status until qualified. Employees in the "not qualified" category are not working and will be seen weekly or biweekly in OHS. Following an injury, an employee will be "not qualified." Some departments can accommodate restricted duty. If the employee cannot perform the essential functions of the job, s/he is referred for vocational assistance. The employee is not laid off, and can collect sick benefits.

Improvements

None at this time.

Health Promotion Activities

Prior to CHD Meridian, Metro-North Railroad OHS conducted glaucoma testing, blood pressure evaluation and skin cancer screening programs.

Resources

Resource requirements for the medical program are the following: two Physicians – one full time, one part-time; two certified physician assistants, two RN's and one LPN. There were 508 medical examinations last year.

4.2.2 NJTransit

Current Requirements

NJTransit does not have medical standards or guidelines. Other than government-based standards, standard medical practices of medicine are followed.

All NJTransit job candidates must have a post-offer physical exam. Labor agreements between the union and NJTransit specify the frequency of physical examinations for safety-sensitive employees beyond the post-offer exam. Conductors, assistant conductors and trainmen between the ages of 18 and 49 are required to have a periodic physical examination every 3 years in the quarter of the month of their birth. Those 50 and above must have an examination every 2 years. Locomotive engineers must also meet the federal standards for vision and hearing. Employees who are exposed to noise and dust have examinations in accordance with OSHA requirements.

In addition to the periodic examination requirements, there are three other occasions on which NJTransit may require a medical examination: 1) After 30 days absence, employees are cleared for return-to-work by the Medical Department staff physician for all job categories as a matter of company policy. 2) The supervisor has the right to request a fitness examination of any of his/her employees at any time. 3) Movement from non-safety to safety jobs is considered a job change through personnel and requires a physical and drug and alcohol testing.

The examining physician has job descriptions, certificates of license, and employee medical records for each employee that s/he examines. A review of work is done by in-house physicians and the nurse staff of the medical department.

In accordance with the company's medical policy, railroad employees are required to provide a doctor's certificate after a 30-day absence. The employee's personal physician provides this certificate. If the personal physician requests a job description or any other background information prior to certifying the employee to return-to-work, NJTransit will provide the information. The NJTransit Medical Department's examiner must review the information from the treating physician before the employee is authorized to return to his/her position.

Medical examiners are part-time employees of NJTransit or fee-for-service physicians. When specialist services are required, employees are referred to acknowledged board certified and licensed physicians in the region.

Self-Reporting of Medical Conditions

The employee is responsible for notifying the railroad when s/he develops a medical condition which may impact safe performance of his/her job.

The core policy of the company's drug and alcohol - free workplace policy has standards of conduct including prohibited behaviors, use of prescription drugs and self-reporting.

Job Accommodation

Employees are “qualified” to do their job if they meet the essential functions of the job. If there are limitations, they may apply through the ADA coordinator who discusses the limitations with the Labor Relations Department which oversees the union contracts.

Improvements

NJTransit does not see the need for any improvements.

Health Promotion Activity

NJTransit has a variety of health promotion activities. These include lunch and learn speaker programs, wellness seminars, family days with baseline testing for family members present, and an open door policy to discuss any kind of health or medical issues of the employee.

Resources

Table 14 shows the number of annual physical examinations in a recent year by type of exam.

Table 14. NJTransit distribution of exams by type

Type of Exam	Annual Number
Post-offer	359
Job change	21
Periodic	856
Pulmonary and audio	52

4.3 Short Line/Regional Railroads

Five short line/regional railroads provided information. One of these five requested that their name not be included in this report. This railroad is referred to as “Holding company.” Table 15 summarizes the features of the five short line/regional railroads.

4.3.1 Belt Railway of Chicago (BRC)

Current Requirements

The Belt Railway (BRC) does not have any specific medical guidelines. As a condition of employment, BRC requires all new hires to have a general health physical that includes a back x-ray, and hearing and vision assessments. This examination is performed by a local clinic (third party) under an arrangement with the railroad. The railroad provides the examining physician with a job analysis for the job that the candidate will perform. The job analyses were developed by Conrail in the mid-1980s. Other than the FRA requirement for periodic hearing and vision assessments for locomotive engineers and trainmen working as remote control operators, the Belt does not require any periodic health assessments.

After receiving a release to work from the treating physician after an illness or injury, in all cases, regardless of amount of time lost, an employee must report to the local clinic for an examination. The clinic physician reviews the treating physician’s report and conducts an independent medical evaluation of the employee. The clinic physician may refer the employee to an occupational specialist if s/he has reservations about the employee’s ability to return-to-

work. The clinic has some specialty capabilities, but where a third opinion is necessary, the railroad usually engages the services of a specialist not affiliated with the clinic, the clinic's hospital, or the employee's treating physician. A specialist is most likely to be consulted in cases that involve cardiopulmonary conditions or joint problems, regardless of whether or not the condition is work-related. If the clinic physician concurs with the treating physician's report, then the employee may return to work.

Infrequently, the Director Risk Management, Manager Human Resources, the employee's supervisor and the railroad's labor lawyer may review the case to insure that the appropriate decision has been made on a return-to-work case. As an example, this process was used with an employee who was conditionally returned by his physician from a non-work related back condition. In this particular case, the employee wanted very much to return to work, but could not be accommodated. The railroad used the approach to evaluate conditional returns relative to the job.

Self-Reporting of Medical Conditions

Employees self-report medication as a preventative to a positive finding on a random drug and alcohol screen under company policy or FRA-mandated testing. BRC's Drug and Alcohol Use Policy prohibits the use of any drug, including prescription medication, that may adversely affect safe performance on the job. Avoidance of a potentially positive test result has prompted self-report by covered employees.

The company has no other written policies covering prescription drugs or self-reporting of medical conditions.

Job Accommodation

Provision for light duty following an injury or illness is handled on a case by case basis. The railroad will consider light duty once the employee is in the recovery, not treatment, phase, if 1) it is clear the light duty tasks are relevant and are associated with the employee's normal work, and 2) it is likely that the employee will eventually be able to return to their regular job by a date fixed by the treating physician.

Improvements

The Director Risk Management feels that the railroad could provide more guidance to its employees on the types of illnesses and non-workplace injuries that should be self-reported to the railroad. He is interested in receiving guidelines for entry to service examinations from other carriers to refine or modify his procedures.

Health Promotion Activities

The Belt Railway conducts a variety of health promotion activities on a regular basis. This includes periodic literature with the employees' pay slips. This informational material covers topics such as fatigue, blood pressure and diet. They also have the third party provider (medical clinic) do blood pressure checks and body fat analysis at company picnics and other safety-related promotional events. As a result of these health promotion events, several people have been identified with undiagnosed hypertension and referred to their physicians for follow-up.

Table 15. Summary of short line/regional railroad medical standards programs

	Belt Railway of Chicago (BRC)	Florida East Coast (FEC)	Holding Company
Medical guidelines beyond FRA and FMCSA requirements?	Yes	No	No
Types of exams beyond FRA and FMCSA requirements	Post-offer, includes back X-ray Return-to-work Fitness-for-duty	Post-offer, position may require back exam Return-to-work Fitness-for-duty	Post-offer Return-to-work Fitness-for-duty
Examiners and examination program	Examiners are designated but not employed	Examiners are designated but not employed	Each location designates an occupational physician or clinic to perform exams
Information given to examiner	Job descriptions	Job descriptions	Job descriptions
Program Management	Company	Exam protocol Company	Company
Role of personal health care provider in return-to-work	Provides return-to-work certificate. Designated physician reviews and conducts independent evaluation	Provides return-to-work certificate. Designated physician reviews and conducts independent evaluation	Provides return-to-work certificate. Designated physician reviews
Information to personal health care provider	None	None	Job descriptions
Prescription/OTC drug reporting policy not related to federal drug and alcohol testing?	No	Yes	No
Medical condition reporting policy other than for lost time or restrictions?	No	No	No

	Montana Rail Link	RailAmerica
Medical guidelines beyond FRA and FMCSA requirements?	No	No
Types of exams beyond FRA and FMCSA requirements	Post-offer Return-to-work Fitness-for-duty	Post-offer Return-to-work Fitness-for-duty
Examiners and examination program	Examiners are designated but not employed	Examiners are designated by outside vendor
Information given to examiner	Job descriptions	Job descriptions Treatment records
Program Management	Company	Physical capacity requirements Vendor
Role of personal health care provider in return-to-work	Provides return-to-work certificate. Local clinic physician reviews and conducts independent evaluation	Provides return-to-work certificate. IME reviews
Information to personal health care provider	None	None
Prescription/OTC drug reporting policy not related to federal drug and alcohol testing?	No	Yes, if determined to impair performance by employee and personal health care provider
Medical condition reporting policy other than for lost time or restrictions?	No	No

	Belt Railway of Chicago (BEC)	Florida East Coast (FEC)	Holding Company
Job Accommodation	Provision for light duty is case by case	Provision for light duty is case by case	None
Health promotion?	Yes	No	Yes
Resources	215 employees requiring tri-annual vision and hearing	Three designated physicians	Between \$100,000 – 150,000 annually for 1300 employees
Periodic examination schedule tracking	Manager of Operating Practices	Safety Department	Transportation Department

	Montana Rail Link	RailAmerica
Job Accommodation	Attempt to accommodate; work with limitations	Attempt to accommodate with light duty work
Health promotion?	Yes	Various
Resources	Budget is \$100,000 per year and covers: new hire, return-to-work, fitness-for-duty, respirator clearance, and hazmat responders exams	Not available
Periodic examination schedule tracking	Training, Rules and Safety Department	Outside vendor

Resources

The Belt Railway has 215 employees who must have the FRA-mandated tri-annual vision and hearing assessments. The breakdown for annual exams is shown in Table 16. The Belt’s Manager Operating Practices tracks employees who must have vision and hearing exams to assure compliance with the requirement for tri-annual exams.

Table 16. Belt Railway distribution of exams by type

Type of Exam	Annual Number
FRA (vision and hearing)	70
Return-to-work	35
New hire	40

4.3.2 Florida East Coast Railway (FEC)

Current Requirements

Florida East Coast Railway (FEC) does not have specific medical standards or guidelines. As a condition of employment, FEC requires all new hires to have a general health physical that includes hearing, vision, and drug assessments. Post-offer back exams are also given based on the position being applied for. Other than the FRA requirement for periodic hearing and vision assessments for locomotive engineers, FEC does not require any periodic health assessments. However, if an employee shows signs of illness or injury, or is otherwise suspected of being sick or injured, s/he may be recommended for a medical evaluation by their supervisor, and ultimately sent by the Director of Human Resources and Labor Relations. In addition, employees requesting medical leave must have a physical examination before returning to work, regardless of how long they have been away. An employee is also sent for a return-to-work physical if at any time s/he experiences a serious head, back or knee injury, whether on the job or not.

All examinations are performed by one of three third party physicians that are regularly contracted by the railroad. The railroad provides the examining physician with a job description for the job that the candidate will perform. Some of these job descriptions are currently being rewritten however, as the physicians feel that they are insufficient.

Self-Reporting of Medical Conditions

All Hours of Service and safety-sensitive employees are responsible for insuring that they inform the treating physician that they are subject to performing safety-sensitive duties. As part of FEC’s drug and alcohol policy, employees are also responsible for notifying the railway of any prescription drugs they are taking. However, there is currently no written policy stating that employees are required to notify the company if they develop a condition that affects their ability to work safely.

Job Accommodation

Provision for light duty following an injury or illness is handled on a case by case basis. Often times, the railroad is not able to accommodate an injured employee because the individual does not possess the necessary skills required for an alternate position.

Improvements

The Director of Human Resources and Labor Relations feels that the current system of standards is working, but that FEC would of course be willing to adopt any changes in regulation.

Health Promotion Activities

Although currently there is a hearing test that is being offered to employees, there is no general program of health promotion activities.

Resources

There are three physicians that are regularly contracted by Florida East Coast. These physicians handle new hire and return-to-work physicals. Not all of these doctors meet the FRA requirements to give the tri-annual vision and hearing exams, however, so these exams are typically contracted out to other qualified physicians.

The Safety Department is responsible for keeping track of vision and hearing exam dates for locomotive engineers, as well as other requirements for certification.

4.3.3 Holding Company

As a holding company with railroads that operate globally, the medical programs are administered separately in each country where the holding company operates. There are several operating regions in the U.S. Each of these operating regions is responsible for implementing their medical program in accordance with overall company policy. Each location selects an occupational medicine physician or clinic in their respective areas to provide this service for the railroad.

Current Requirements

The Company has no formal written medical standards other than those currently required by the FRA. Every employee must have a post-offer physical. On occasion the examining physician may identify a condition, such as untreated hypertension, that if brought under control would make the candidate fit for a position. The report from the physician to the railroad will indicate whether or not the individual is medically fit for the position and does include the specifics of the individual's medical conditions or medication use. The railroad does maintain medical information concerning the *results* of its employees' post-offer physicals.

The only periodic examination is the tri-annual vision and hearing screening for locomotive engineers. Many of the company's locations arrange for a van with appropriate screening equipment to visit the work site every 3 years and test every operating employee. The Company finds this an efficient and cost-effective means to perform the required exams. As is the case with any medical evaluation, the report from the provider to the railroad merely states that the individual meets the FRA standards. This is then kept in a company file and the employee's recertification file.

Employees returning to work following an absence exceeding 3 days for medical reasons must be evaluated by the company's (if related to the Federal Employers Liability Act - FELA) or the employee's personal (if not related to FELA) medical provider. The 3-day criterion is based on the Company's process for Family and Medical Leave Act absences. As is the case with pre-employment exams, the railroad provides a description of the employee's duties. If the company is not satisfied with the employee's provider, the company will send the employee for a second opinion with an independent medical examiner (IME). In either case, a physician's return-to-work form is required. The company's labor agreements do not specifically address resolution of a disputed medical fitness examination.

In situations where a supervisor observes behaviors or excessive absences that might suggest that a medical condition is impeding the employee's ability to work safely, the supervisor will consult with the safety department. If both the supervisor and the safety department deem it appropriate, then the employee will be asked to have a medical fitness-to-work examination. As is the case with all other medical fitness examinations, this examination is done at the railroad's expense.

The railroad provides the examining physician with a job description for the position that the candidate will perform. Because the same physician (or group of physicians) performs all of the medical fitness examinations, over time they become familiar with the requirements of the various railroad crafts and jobs at the location. The regions rely on the physician's medical knowledge and understanding of the job requirements to assess fitness-to-work.

Self-Reporting

Due to HIPAA requirements, the company has no requirement for employees to report a disease or medical condition unless medical leave is involved. Even in cases where medical leave is involved, the company only requires their examining physician to certify whether or not the individual is fit to work. The nature of the condition is not disclosed as part of the return-to-work medical examination report.

Similarly, employees only report the use of over-the-counter and prescription drugs if they are selected for a random drug screen. As is the case with medical condition information, the organization conducting the drug screening does not report the use of medically supervised drugs.

The Company feels that if a system requiring self-reporting of over-the-counter (OTC) drugs were implemented, it would be difficult to enforce and of no benefit to the railroad. Such a system, they believe, would not relieve the company of liability in the event of an accident attributed to OTC drug usage, and in fact the liability may be increased.

Job Accommodation

The Company does not use light duty as a strategy for accommodating employees who are fit to work but cannot resume their normal job.

Improvements

The Senior Vice President Human Resources does not see the need for any changes in the current system for medical evaluations.

Health Promotion Activities

The Company circulates health promotion information to its employees through bulletins and employee-accessible web sites. In some regions, the company has sponsored health fairs for its employees.

Resources

The Company's corporate budget for medical fitness examinations totals between \$100,000 and \$150,000 annually. Approximately half of this amount covers pre-employment and fitness-to-work examinations. The remainder is for engineer re-certification examinations.

The Transportation Department is responsible for assuring that engineers have the required tri-annual vision and hearing screening and is overseen by the Safety Department.

4.3.4 Montana Rail Link

Current Requirements

Montana Rail Link has no formal written medical standards or guidelines. As a condition of employment, Montana Rail Link requires every employee to have a post-offer employment physical. In addition to a general health assessment, track workers and switchmen must have a functional capacity evaluation that involves testing for the essential functions of the position such as overall mobility and lifting. Montana Rail Link provides the examining physician with a job description for the job that the candidate will perform. It is up to the physician to determine whether or not the individual is fit to perform the job. Montana Rail Link contracts with local physicians for this service.

Other than the post-offer physical examination, other periodic examinations are the tri-annual vision and hearing screening for locomotive engineers, and the respirator clearance examination for maintenance of way (MOW) workers. (MOW workers who handle ballast must use respirators.) Montana Rail Link has engaged the services of a local occupational medicine provider to develop and administer its respirator program. This program conforms to OSHA requirements. Each of the 150 MOW workers has an initial examination and a follow-up every 3 years. Depending upon the results of the examination, an employee may be required to have more frequent re-examinations. Truck drivers must have bi-annual exams as required by FMCSA regulations.

Employees returning to work after an illness or injury must obtain a work release from their treating physician and then have a return-to-work examination with the railroad's contract clinic. If the clinic does not agree with the treating physician's assessment and does not certify the employee to return-to-work, the employee may request review of his/her case by a neutral medical authority agreed to by the employee and the clinic. This will usually be a specialist. The railroad and the employee share the expense of the third party review. The decision of the third party physician is final. The third party review process is part of all of Montana Rail Link's labor agreements.

If a supervisor questions an employee's medical fitness-for-duty, s/he may request a fitness-for-duty examination. This may arise due to the supervisor's observations or the observations of a co-worker. The examination is done at the railroad's expense by the local clinic.

A consultant to Montana Rail Link conducted a jobsite evaluation and analysis and prepared the job descriptions. Several years ago the railroad hired an ergonomist to review all of the railroad’s operations and identify situations that have specific physical requirements and could potentially cause occupational problems. Based on this job analysis, the job description for each position was developed. The job analysis included risk factors as well as physiological demands of the jobs.

Self-Reporting

In accordance with the General Code of Operating Rules (GCOR), employees must report to their supervisor any injury or illness that results in lost work time. Depending upon the nature of the injury or illness, the supervisor may request a fitness-for-duty evaluation. Under the same rule, employees must also report the use of any prescription drug to the Medical Review Officer for the drug and alcohol testing program.

Job Accommodation

Occasionally the treating physician will release an employee for work with limitations on work activity. If possible, the railroad will accommodate these limitations.

Improvements

The Claims Manager does not see the need for any changes or improvements at this time.

Health Promotion Activities

Montana Rail Link sponsors a health fair once a year at four different field locations. Periodically the company distributes health promotional materials to its employees.

Resources

The Claims Department oversees all medical screening programs with the exception of the engineer vision and hearing screening. The budget for these programs is \$100,000 per year and covers the exams shown in Table 17.

Table 17. Montana Rail Link distribution of exams by type

Type of Exam	Annual Number
DOT (CDL)	150
New Hire	75
Return-to-work	150
Fitness-for-duty	20
Respirator clearance	100
Hazmat Responders	10

The hazmat exams are the most costly at \$350 per exam.

Approximately 125 engineer vision and hearing exams are done per year at a cost of \$75 per exam. The budget of the Training, Rules and Safety Department covers these exams.

The Training, Rules and Safety Department assures that locomotive engineers receive the required tri-annual vision and hearing screening.

4.3.5 RailAmerica

Current Requirements

RailAmerica's hiring process requires that each potential employee have a post-offer physical examination. There is no requirement for periodic examinations other than the FRA mandated vision and hearing tests for locomotive engineers.

All employees returning to work following an illness or injury must have an examination prior to their return-to-work. The employee must obtain a return-to-work approval from the treating physician. The railroad's IME will have a description of the employee's job and related physical capacity requirements. The IME reviews the treatment records and the treating physician's assessment and then either approves or disapproves the return-to-work.

RailAmerica engages the services of a third party vendor to arrange for the physical examinations at various locations where its subsidiary railroads operate. The periodic vision and hearing screenings for engineers are performed by local vendors that are selected by each subsidiary railroad.

Self-Reporting of Medical Conditions

In accordance with GCOR, RailAmerica employees must report the use of prescription drugs that may "adversely affect safe performance." It is up to the employee to determine, in consultation with his/her physician, if any prescribed medication should be reported.

Job Accommodation

In the event that an employee returns from a medical leave but does not meet the medical standard for his/her prior position, the railroad may offer a lighter duty position, or another position for which the individual qualifies. If none is available, then the employee will remain disqualified pending medical improvement. Labor agreements do not address this issue other than to allow the employee to continue on medical leave.

Health Promotion Activities

RailAmerica uses regular safety meetings and safety/family outings to promote wellness. The railroad's group health plan also distributes periodic health wellness updates.

Resources

This information was not available.

4.4 Summary

There are several similar aspects to existing medical practices among U.S. railroads. Every railroad requires a medical examination on three occasions: 1) post-offer, 2) upon promotion to a safety-critical position, 3) when medical fitness-to-work is questioned. In addition, return-to-work following a medical leave of absence requires review of the treating physician's report. In some instances, the railroad may require an examination by their medical examiner.

Current practices vary from railroad to railroad in the following respects:

- Only NJTransit, Metro-North and NS require periodic medical examinations in addition to the mandatory vision and hearing screening.
- Length of medical leave that necessitates return-to-work review varies from 3 days to 1 year.
- Some railroads provide a job description to the examiner; others do not.
- Most railroads have no written standards.
- Process for reporting of medical conditions does not clearly define conditions that must be reported.
- Process for reporting use of prescription drugs does not clearly define those that must be reported.
- Extent of health promotion activities varies by railroad.