

Job Aid

Fitness for Duty and the ER Process

Reasons to Request FFD:

- Observed, self-disclosed, or credible reported information concerning the employee's abilities to perform the duties.
- Received FMLA or other non-OWCP paperwork raising a medical issue (including medication) that may be either a potentially disqualifying condition/medication, or something that may impair the employee's ability to perform the essential functions.
- Have a reasonable belief that an employee will pose a significant risk of substantial harm
- Notified of a medication that may adversely impact performance by the TSA Drug & Alcohol Program

FFD Process:

1. A management official prepares Form [1133-2](#) and sends it to local HR for initial review and routing to the HC-ER POC. The form must be password protected using the national DCMO password.
2. If HC-ER concurs that the case meets the policy guidelines for fitness for duty review, local HR submits the case to DCMO.
3. DCMO reviews the case and determines whether or not to accept it for Fitness for Duty review.
4. If DCMO accepts the case, management provides the employee with a Fitness for Duty Cover Letter and DCMO questionnaire. This Cover Letter template is available in the ER template library.
5. While the employee is in review by DCMO and is pending a determination of their fitness, management will find a temporary duty assignment that the employee can perform, unless the employee is completely restricted from being in the workplace (Not medically qualified for full and unrestricted duty is determined by DCMO). The employee can choose not to accept the temporary duty assignment, and in that case, they must request and be approved for appropriate leave, to include Leave Without Pay (LWOP). Administrative Leave may no longer be approved for this reason.
6. When DCMO completes their review, they will issue a written determination of **Medically Qualified**, **Not Medically Qualified** or **Temporarily Not Medically Qualified**.

Medically Qualified (MQ):

1. The employee resumes/continues with regular duties. Any further issues or deficiencies should be discussed with local HR and management. Consult HC-ER as needed.

Temporarily Not Medically Qualified (TNMQ):

1. Management should ask DCMO when is a reasonable time frame to request a reconsideration, based upon the medical facts in that employee's case (usually 60 days).

Employee Relations

2. If DCMO determines they can work in some capacity, employee can request a light duty assignment capacity (if available) or take leave of their choice. Management also has the right to assign administrative duties in those situations for which light duty is not available or for which the situation may go beyond the time constraints of a light duty assignment. (Temporary duties assigned within the medical restrictions approved by DCMO are assignments made by management for administrative reasons; management has the right to provide such assignments at any time. They are not light duty assignments under the light duty MD)
3. If the Employee requests Light Duty:
 - a. The Light Duty Agreement ([TSA Form 1160-4](#), *Light Duty Assignment Request and Offer*) is completed and vetted with DCMO by local HR, to ensure that the duties do not conflict with the employee's medical restrictions (45-day increments, with up to three separate 45-day extensions, for a maximum of 180 days)
 - b. If the airport has no Light Duty assignments:
 - i. Then the employee may request leave is his/her choice (including LWOP) for the duration of the process. Management should approve. **OR**
 - ii. Then management can place the employee in non-security/non-safety administrative duties that do not conflict with the employee's medical restrictions.
4. After the required time period noted from DCMO for a reconsideration has ended, Management should request a FFD Reconsideration, in conjunction with their local HR. (*Note that this may occur several times [up to 12 months in duration] until a determination is made that the employee is either fit for duty, or that they are Not Medically Qualified [NMQ]. See below for instructions re: how to address NMQ cases*).
5. The Light Duty Agreement may be extended at that time, as needed, up to a total of 180 days (1 initial, 45-day request and up to 3 extensions-180 days). Management/local HR should continue to request reconsideration in the time frame noted by DCMO. This will eventually result in either a determination of *Medically Qualified* or *Not Medically Qualified*. Management needs to be aware that Light Duty is time limited and depending on the condition and situation of the individual employee, this may not be a practical option.

Not Medical Qualified (NMQ / DQ): TSO Job Search (Officer positions) or Reasonable Accommodation (non-Officer positions)

1. For an employee who is Not Medically Qualified, management will issue the TSO Job Options letter for an Officer, or the Inability to Perform Essential Duties letter for a TSS-E or Canine Handler. These letters can be found in the ER template library. The letters advise the employee of their right to use the TSO Job Search Process (for Officers) or of their option to request Reasonable Accommodation (for a non-Officers).

Employee Relations

2. The employee may either elect a Job Search (in the case of an Officer) or initiate a Reasonable Accommodation process (non-Officer), elect to pursue a Disability Retirement Application, or simply not respond. If they do not respond to the Job Search options letter, work with your local HR to determine the next steps for this employee. *(Note that the employee can simultaneously apply for the Job Search Program and disability retirement.)*
3. If elected, during the Job Search or Reasonable Accommodation process, management will find a temporary duty assignment that the employee can medically perform, unless the employee is completely restricted from being in the workplace. The employee can choose not to accept the assignment and request and be approved for appropriate leave, to include Leave Without Pay (LWOP).
7. If Job Search or Reasonable Accommodation processes are not elected, or, once the Job Search has been completed (for an Officer) or the Reasonable Accommodation process has been completed (for a non-Officer), the employee will either be reassigned to the new position identified for them, or a non-disciplinary removal will be proposed. Templates have been revised for this and both TSO and non-TSO templates are available in the ER library.
8. The Notice of Proposed Removal (NOPR) will include information about the Job Search process (TSO) or Reasonable Accommodation process (non-TSO) and indicate whether or not it was successful. If an employee elected to enter the Job Search process, either as a TSO or as a non-TSO accommodation, and then declines an offered position, the NOPR will put them on notice that declining a reasonable offer will be reported to OPM, and might impact their disability retirement option.
9. During the reply period for the NOPR, the employee will either remain on the temporary duty assignment that they have been performing, or they may request and will be approved to use appropriate leave of their choice. Administrative Leave will generally not be offered during the reply and decision period, except in extenuating circumstances in accordance with policy.
10. If an employee has opted to apply for Disability Retirement, the effective date of their removal may be held in abeyance while the Disability Retirement is processed. Local management may approve up to a year of LWOP for non-BUEs or up to six months for BUEs while their Disability Retirement is in process. The Removal Decision Letter would simply reflect an effective date of the disability retirement approval or six months/ one year, whichever is earlier. HC-ER can provide template language for these specific situations.

For more information, please visit:

[HC-ER site](#)

[DCMO site](#)

References:

HCM 339-2 – Job Search Program for Medically Disqualified Transportation Security Officer Eligible for Reassignment (This HCM is in the process of being revised. Please contact your ER POC for the most current information.)

[MD 1100.33-2](#) – Management Initiated Fitness for Duty Evaluations

[MD 1100.73-4](#) – Reasonable Accommodation Program