


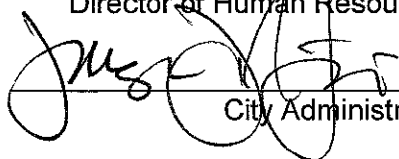


Approved:

**City of Commerce, California
Human Resources Policy and Procedure Manual**



Director of Human Resources



City Administrator

Number: I-11 Effective Date: 2/17/09

SUBJECT: PRE-EMPLOYMENT MEDICAL EXAMINATIONS

PURPOSE:

To provide a formal policy which outlines the pre-placement medical examination program for the City of Commerce.

The purpose of the pre-employment medical evaluation includes the determination of whether 1) a candidate can perform the essential functions of the position, 2) the determination of whether the candidate can perform the essential functions in a manner that would not endanger the health or safety of a candidate, other employees or members of the public, and 3) the facilitation of complying with federal and state laws prohibiting discrimination on the basis of a disability.

POLICY:

1. Notification of Policy

The job announcement shall stipulate that offers of employment (full-time, part-time and temporary) are contingent upon the satisfactory result of the medical evaluation and criminal background and reference check.

2. Job Classes/Candidates

- a. Pre-employment medical examinations shall be administered for all job classes.
- b. All candidates for employment shall be administered a pre-employment medical examination following an employment offer and which shall be required only after the candidate has met all other job requirements.

3. Policy Guidelines

- a. The City of Commerce utilizes the services of a health care professional for pre-employment medical screening in accordance with federal and state law.

- b. The health care professional shall provide recommendations to the City of Commerce for its consideration in making final decisions regarding employment of candidates.
- c. Medical examinations used to make employment decisions shall be specifically related to the essential tasks of the job for which the candidate/employee is being considered.
- d. The examination recommended as part of the health care professional medical profile shall be used by an examining physician. In the absence of a health care professional medical profile, a City of Commerce job analysis questionnaire and/or job description may also be used.
- e. When deemed necessary in order to make an employment decision, special investigations of a candidate's medical history and/or the referral to a specialist may be required.
- f. The job application shall not include questions regarding the candidate's medical condition or physical limitation.
- g. Candidates shall not be medically disqualified due to a condition creating a **future** risk of injury. Only conditions which would place a candidate at direct threat or injury to self or others shall be subject to disqualification.
- h. The sole medical question shall be whether the candidate/employee can presently perform the essential functions of the job in question **safely**.
- i. All initial pre-employment examinations will be paid for by the City of Commerce. Should a candidate wish to submit additional information in appeal of a disqualification, the candidate shall bear the expense of obtaining such information.
- j. Any employee changing positions shall be re-evaluated from a medical standpoint before being placed in the new position, if the City determines that the re-evaluation is job-related and consistent with a business necessity. The new supervisor shall be notified of any work restrictions/limitations.

4. Decision Outcomes

a. Medically Qualified

“Medically Qualified” is defined as the status of a candidate who is found to have no medical condition that prevents the candidate from performing the essential functions of the position and who is able to perform the essential functions in a manner that would not endanger the health or safety of the candidate, other employees or members of the public.

b. Conditionally Qualified

“Conditionally Qualified” is defined as the status of a candidate who is found to have no medical condition that prevents the candidate from performing the essential functions of the position and who is able to perform the essential functions in a manner that would not endanger the health or safety of the candidate, other employees or members of the public, but who nevertheless has a medical condition that restricts or limits certain aspects of the candidate’s employment.

Any restrictions/limitations shall be carefully documented on a separate notice of Medical Restrictions and/or Conditional Employment, which shall be signed by the candidate.

c. Conditionally Disqualified

“Conditionally Disqualified” is defined as the status of a candidate who is found to have a medical condition that prevents the candidate from performing the essential functions of the position or that prevents the candidate from performing the essential functions in a manner that would not endanger the health or safety of the candidate, other employees or members of the public. The condition, however, can be effectively dealt with through routine medicinal treatment or other routine treatment.

If the candidate does not administer such treatment in a reasonable period of time, the candidate will be reclassified as medically disqualified.

d. Medically Disqualified

“Medically Disqualified” is defined as the status of a candidate who is found to have a medical condition that, with or without accommodation, prevents the candidate from performing the essential functions of the position or that prevents the candidate from performing the essential functions in a manner that would not endanger the health or safety of the candidate, other employees or members of the public. Reasonable accommodation shall always be considered, where appropriate, prior to disqualification.

If the candidate has taken a tuberculosis test and the results are positive or questionable, the clinic will administer a chest x-ray and notify the Human Resources Department of their findings.

e. Disqualification Due to Drug Use

“Disqualification Due to Drug Use” is defined as the status of a candidate who tests positive for recent drug use or who provides a “cold” sample at the time of their physical screening.

If the clinic determines the urine sample to be a "cold" sample or a sample not meeting the standards of the clinic, the clinic shall inform the candidate that the specimen provided is questionable and therefore must repeat the drug test subject to the medical clinic's protocol. Should the candidate decline or not comply, then it is understood that the candidate has abandoned the pre-employment process and the City's employment offer is revoked. Should the candidate agree to repeat the drug test, the clinic will continue and complete the physical process accordingly.

Candidates disqualified due to drug use must wait six months before reapplying for consideration for any City position.

5. Work Restrictions

- a. Some candidates may have a medical condition which could constitute a health or safety hazard under certain, but not all, employment conditions. To minimize the chances of injury, recommendations of restrictions/ limitations are provided by the City's health care professional. The restrictions apply to the job under consideration, and when feasible, constitute an accommodation of the candidate's medical condition.
- b. A candidate's supervisor and manager may be notified of any such necessary restrictions/limitations. First aid and safety personnel may be informed, when appropriate, if any medical condition might require emergency treatment.
- c. Work restrictions and limitations shall be periodically evaluated and thoroughly enforced throughout the employee's tenure.

6. Reasonable Accommodation

- a. The City will consider providing reasonable accommodation, in accordance with federal and state law, with respect to candidates that are conditionally qualified, conditionally disqualified, or medically qualified.
- b. The City is obligated to engage in an interactive process with a candidate regarding the determination of reasonable accommodation. The interactive process requires the participation of both the City and the candidate.

7. Appeal Process

- a. If a candidate is disqualified from appointment to a position for failing to meet the medical standards for the job class, he or she may file a written request through the Director of Human Resources for a review of his or her disqualification. The request must be submitted within ten (10) working days after the candidate is notified of the disqualification.

- b. The candidate must undergo an additional examination given by a independent medical examiner (a physician other than the candidate's treating physician or his/her associates), named by the City, at the candidate's expense regarding his or her medical condition, within thirty (30) days from submitting the appeal notification. The information provided must be relevant to the nature and extent of the medical condition(s) which relates to the applicant's disqualification. All medical examinations relating to this appeal are the financial responsibility of the candidate.
- c. Further medical information provided by the candidate shall then be submitted to the City's health care professional for review. The health care professional shall then review the submitted information and determine, in light of this additional information, whether or not the candidate meets the medical requirements of the job class with or without accommodation, and shall make appropriate recommendation to the Director of Human Resources. The Director of Human Resources shall then consider the recommendation from the health care professional, consider reasonable accommodation opportunities, and provide a final recommendation to the City Administrator on the employment decision.
- d. The time-lines set forth in this policy do not lessen the obligations of the City to provide reasonable accommodations in accordance with federal and state law.

The Director of Human Resources shall make any exceptions to the above policy, if necessary to comply with Federal and State law.

PROCEDURE:

Responsibility

Action

Department

- 1. Selects final candidate and makes offer of employment contingent upon passing the pre-employment examination.
- 2. Completes Personnel Action Form and forwards to the Human Resources Department with the candidate's application form.

Human Resources

- 3. Schedules a pre-employment medical evaluation with the health care professional.
- 4. Notifies candidate of medical appointment date, time, location, and

special requirements (e.g. fasting prior to lab testing).

5. Instructs candidate to bring a picture I.D. to the exam (required for drug testing).
6. Completes the Medical Authorization Form and Pre-placement Drug Screening Authorization and Acknowledgement Form.
7. Provides the candidate with a copy of forms prior to the pre-placement medical exam and drug screen.
8. Maintains a record of all examinations scheduled and related results.
9. Conducts the medical examination and gathers appropriate medical history information utilizing the health care professional's forms and procedures. Note: The specific examination components will vary depending upon the job class.
10. Evaluates the examination documentation and the Job Profile and applies the medical standards.
11. May request that previous treatment records be obtained for a candidate if relevant to the qualification decision and/or referral to a specialist.
12. Determines final medical qualification recommendation.
13. Provides medical examination results and recommendation to the Human Resources Department within one business day of receipt of the examination documentation.

Health Care Professional

Human Resources

14. Forwards all documentation through the regular mail system unless otherwise requested.
15. Considers the health care professional's recommendation.
16. Notifies candidate and hiring authority of the pre-employment medical exam results:
 - a. Medically Qualified - conducts the remainder of the pre-employment process with the candidate.
 - b. Conditionally Qualified - provides candidate with a "Conditional Qualification Letter" and "Employee Agreement to Condition(s) of Employment."
 - c. Recommendation for Delayed Qualification- provides health care professional with candidate's "Medical Examination Summary Form."
 - d. Medically Disqualified - provides candidate with a "Disqualification Letter" which shall include the reason for the disqualification, the medical condition which led to the disqualification, a sample of the job duties which would pose a hazard for the candidate, and instructions for how to appeal the decision.
 - e. Disqualification Due to Drug Use provides candidate with a "Disqualification Letter" which shall include the reason for the disqualification.
17. Considers reasonable accommodation opportunities. Recommends final

employment decision to the City Administrator.

Candidate

18. Stores medical records separate and apart from the official Personnel file and maintains such records as confidential.
19. May submit appeal in writing within ten (10) days of receipt of the medical condition disqualification to the Director of Human Resources.