

CHAPTER 339

MEDICAL QUALIFICATION DETERMINATIONS

1. **PURPOSE.** This Chapter describes the circumstances under which medical documentation may be acquired, and examinations and evaluations conducted to determine the nature of a medical condition, which may affect safe and efficient performance.

2. **ASSISTANCE.** Please refer to Chapter 001 of this Manual for the telephone number to call for additional information or further assistance relative to this Chapter.

3. DEFINITIONS

a. *Medical condition.* A health impairment which results from injury or disease, including psychiatric disease.

b. *Medical documentation.* A written statement from a licensed physician or other appropriate practitioner which provides information the agency considers necessary to enable it to make an employment decision (see 5 CFR 339.104).

c. *Medical evaluation program.* A program of recurring medical examinations or tests established by written agency policy or directive, to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands.

d. *Medical standard.* The Office of Personnel Management (OPM) approved written description of the medical requirements for a particular occupation on the basis that a certain level of fitness or health status is required for successful performance.

e. *Physical requirement.* A written description of job-related physical abilities which are normally considered essential for successful performance in a specific position.

f. *Physician.* A licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations.

g. *Practitioner.* A person certified by a national organization and licensed by a State to provide health services.

4. **ACTIVITY RESPONSIBILITY.** Activities are responsible for ensuring that:

a. Employees are physically and medically qualified for the positions they hold. Job-related medical standards should be established where necessary, and job-related physical requirements for individual positions should be established where warranted.

b. Policies and practices established by the activity are fully consistent with OPM and Equal Employment Opportunity Commission (EEOC) regulations and instructions.

c. Medical evaluation programs are established to safeguard the health of employees subject to health risks due to occupational or environmental exposure or demands.

d. A medically disqualified nonpreference eligible is provided a higher level review of the determination upon his/her request.

5. APPLICANT AND EMPLOYEE RESPONSIBILITY. Applicants and employees are responsible for demonstrating that they are able to meet the medical and physical requirements of the position to which appointed. Similarly, when health status becomes a potential issue that may affect an employee's performance or conduct, the employee is primarily responsible for demonstrating that a medical condition exists which the activity must take into account. The employee is responsible for providing relevant medical documentation to support a request for change in duty status, working conditions, or other benefit.

6. ESTABLISHING MEDICAL STANDARDS, PHYSICAL REQUIREMENTS AND MEDICAL EVALUATION PROGRAMS. A basic premise of Federal employment is that employees possess only the minimum physical abilities necessary to perform their jobs safely and efficiently.

a. *Establishing Medical Standards.* OPM is responsible for the establishment of specific job-related medical standards. OPM may establish medical standards for an occupation which is common to more than one agency when justified on the basis that the duties of the positions are arduous or hazardous, require a certain level of health status or fitness because of a high degree of responsibility toward the public, or involve sensitive national security concerns.

b. *Establishing Physical Requirements.* Activities are authorized to establish physical requirements for individual positions without OPM approval when such requirements are considered essential for successful job performance. The requirements must be clearly supported by the actual duties of the position and documented in the position description.

c. *Medical Evaluation Program.* Activities may establish periodic examination or immunization programs by written policies or directives to safeguard the health of employees whose work may subject them or others to significant health or safety risks due to occupational or environmental exposure or demands. The need for a medical evaluation program must be clearly supported by the nature of the work. The specific positions covered must be identified and the applicants or incumbents notified in writing of the reason for including the positions in the program.

7. OBTAINING MEDICAL INFORMATION. The purpose of medical examinations and medical documentation is to provide information about an applicant's or employee's health status to assist management in making employment decisions. An activity may only require or request medical information which is directly relevant to the employee's ability to perform the duties of his/her position. See 5 CFR 339.104 for a description of medical information which may be identified as necessary and relevant.

8. MEDICAL EXAMINATION AUTHORITY

a. *Ordered Examination.*

(1) Employees in positions with specific medical standards, physical requirements, or covered by a medical evaluation program may be ordered to undergo medical examination. Such examinations may be required prior to appointment or selection, or on a regularly recurring periodic basis, and whenever there is a direct question about the employee's continued capacity to meet the physical or medical requirements of the position.

(2) Medical examinations may be ordered in connection with workers' compensation claims. Individuals who have applied for or are receiving continuation of pay or compensation as a result of an on-the-job injury or disease may be ordered to report for an examination to determine medical limitations that may affect placement decisions. If the activity has identified an assignment (including a light duty assignment), or a position (including the employee's regular position) which it believes the employee can perform consistent with the medical limitations arising from an on-the-job injury, the activity may order the employee to submit to a medical examination. For additional information on the injury compensation program, see Chapter 810 of this Manual.

(3) Activities may order an employee released from his/her position in a reduction-in-force to undergo medical evaluation if the employee has reassignment rights to a position with medical standards or specific physical requirements, which are different from those, required in the employee's current position.

(4) Activities may order a psychiatric examination or psychological assessment only when:

(a) the results of a current general medical examination which the agency has the authority to order under this Chapter shows no physical basis to explain actions or behavior which may affect the safe and efficient performance of the individual or others; or

(b) a psychiatric examination is specifically required by medical standards. The psychiatric examination or psychological assessment must be conducted by a licensed practitioner or physician authorized to conduct such exams. The psychiatric examination may only be used to make legitimate inquiry into a person's mental fitness to successfully perform the duties of his/her position without undue hazard to the individual or others.

b. *Offered Examinations.* An activity may offer a medical examination (including a psychiatric evaluation or psychological assessment), in any situation where additional medical documentation is needed to make an informed management decision. This may include situations where an employee requests for medical reasons a change in duty status, assignment, working conditions, or any other benefit or special treatment (including reasonable accommodation or reemployment on the basis of full or partial recovery from a medical condition or where the employee has a performance or conduct problem which may require activity action). Reasons for offering an examination must be documented.

9. **MEDICAL EXAMINATION PROCEDURES**

a. When an activity orders or offers a medical examination, the applicant or employee shall be advised in writing of the reasons for ordering or offering the examination, the consequences of failure to cooperate, the right to submit medical information from his/her own physician or practitioner, and the activity's obligation to consider all such documentation.

b. The activity has the authority to designate the examining physician or other practitioner. The physician may be an Occupational Health Physician. Activities **MUST** pay for all activity ordered or activity offered examinations performed by private physicians. Applicants and employees must pay for a medical examination conducted by a private physician (or practitioner) where the purpose of the examination is to secure a benefit sought by the applicant or employee.

c. As appropriate, the examining physician may be provided a copy of the employee's position description, performance critical elements and standards, the functional and environmental factors of the employee's position, and pertinent medical questions as provided in 5 CFR 339.104.

10. **USE OF MEDICAL INFORMATION IN MAKING EMPLOYMENT DECISIONS.**

a. Decisions about employability are management decisions; physicians should not be asked to make management decisions. The role of the examining physician or practitioner with respect to employment decisions is limited to determining whether the individual meets the medical requirements of the position, and the stability of the individual's medical condition. In some cases, the activity may wish to ask the physician's opinion about the medical usefulness of possible accommodation suggested by the employee or the activity. However, a medical examination can not determine an individual's ability to perform the essential duties of a particular position. This responsibility rests solely with the manager or supervisor.

b. Activities should avoid using medical information as a way of addressing underlying misconduct, performance, or leave problems. These issues must be dealt with on their own merits and activities should take action based on the specific nature of the problem, in accordance with appropriate regulations.

11. **REASONABLE ACCOMMODATION.** Pursuant to the Rehabilitation Act of 1973, as amended, and the Americans with Disability Act of 1990, EEOC has issued regulations requiring activities to make reasonable accommodations to the known physical or mental limitations of qualified handicapped applicants or employees (i.e., persons who, with or without reasonable accommodation, can perform the essential functions of a position without endangering the health and safety of themselves or others), unless the activity can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation may include, but is not limited to, making facilities accessible to and usable by handicapped persons, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, provisions of readers and interpreters and other similar actions.