



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

Human Resources Director

City Manager

Number: I-10 Effective Date: 12/14

SUBJECT: PRE-EMPLOYMENT MEDICAL PHYSICAL EXAMINATIONS & DRUG SCREENS

PURPOSE:

To provide ~~establish~~ a formal process ~~policy~~ for conducting that outlines the pre-placement medical employment examination physical examinations and/or drug screens, in compliance with applicable federal and state laws, which provides a structured framework to ensure that candidates can properly safely perform the essential functions of their position ~~program process with~~ for the City of Riverside.

The purpose of the Pre-placement medical employment physical evaluation examinations are intended to include the determination determine of whether a candidate is able to can perform the essential functions of the position, the determination of whether the candidate can perform the essential job functions of the position safely and effectively, without posing a risk to in a manner that would not endanger the healththeir own health or safety of a the candidate, or that of other employees, or members of the public, and the facilitation of complying with These examinations support the City's compliance with applicable federal and state laws and promote a safe work environment for employees and the public. prohibiting discrimination on the basis of a disability.

By confirming a candidate's ability to meet job-related physical requirements, the City reduces employee turnover, minimizes operating expenses, and supports the long term well being and productivity of its workforce.

This policy is intended to comply with all applicable federal, state and local laws.

POLICY:

1. Notification of Policy



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The conditional job ~~offer~~announcement shall stipulate shall specify that ~~offers of~~ employment ~~(regular and temporary)~~ are contingent upon the candidate successfully completing and receiving satisfactory result~~clearance~~ from of the required medical pre-employment physical evaluation~~examination~~ and/or drug screen.

The necessary ~~P~~pre-employment physical examinations and/or drug screens requirements will be determined by job classification. When appropriate, the City will follow additional guidelines and/or recommendations from Federal, State, or local regulatory agencies.

2. Job Classes/Candidates

a. ~~Pre-placement medical~~employment physical examinations shall be administered for all job classes.

b. ~~All candidates (regular and temporary)~~ for employment, including former employees being rehired or reinstated shall be ~~administered~~required to undergo a ~~pre-placement medical~~employment physical examination ~~following~~ after receiving an conditional offer of employment, offer, and ~~which shall be required only after the candidate has met all other job requirements.~~

Current employees applying who apply for transfer, promotion, or demotion particularly to a ~~job class~~classification requiring greater or different physical qualifications must successfully pass the appropriate physical examination for that position.

13. Policy Guidelines

a. ~~The City of Riverside utilizes designated the services of a health care professional~~third-party providers to facilitate~~conduct all pre-employment physical examinations and/or drug screens.~~ The City shall ensure that all examination components are job-related and consistent with business necessity,~~including services~~



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~~for screening certain high-risk job classifications, in accordance with Federal and State law.~~



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~~b. The City will provide the third-party provider with current job descriptions detailing the physical requirements necessary for an accurate medical evaluation.~~

~~b. The health care professional shall provide third-party provider recommendations to the City of Riverside for its consideration in making final decisions regarding employment of candidates. Determines will administer the required physical exams and/or drug screens and evaluates whether the candidate/employee is medically qualified or disqualified to perform the essential functions of the position job. In accordance with the California Confidentiality of Medical Information Act (CMIA), the City shall not request or receive the candidate's full medical history; disclosure is limited only to functional limitations and the information necessary to determine the candidate's ability to perform essential job functions. The provider will not disclose diagnoses to the City. Prior to any disclosure of medical information by the third-party provider, the candidate must sign a written authorization.~~

~~c. The City shall ensure that all examination components are job-related and consistent with business necessity.~~

~~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 City will provide the third-party provider with current job descriptions detailing the physical requirements necessary for an accurate medical evaluation. The examination for each position is based on the requirements of the job classification and determined by the third-party provider. The examination recommended as part of the health care professional medical profile shall be used by an examining physician, or in the absence of a health care professional medical profile, a City of Riverside 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. need for special accommodations.~~

~~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 inquiry shall be whether the candidate/employee can safely perform the essential functions of the position, consistent with federal criteria regarding present and probable risk, as well as applicable state guidelines.~~

~~The sole medical question shall be whether the candidate/employee can presently perform the essential functions of the job in question safely. This shall be considered in light of the Federal criteria of present and probable risk and in light of State guidelines.~~

~~i. All initial pre-placementemployment physical examinations will be paid for by the City of Riverside. Should a candidate decide ~~wish to~~ submit additional information ~~to~~in appeal ~~of a~~ medical disqualification and submit additional medical information, the candidate shall will bear responsible for any associated costs. ~~the expense of obtaining such information.~~~~

~~gj. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the City of Riverside requires that you do not provide any genetic information when responding to this request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.' (29 C.F.R. § 1635.8.)The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or the individual's family member, except as specifically permitted by law. To ensure compliance, candidates should not provide genetic information when submitting medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of genetic tests, the receipt of genetic services, and genetic information of a fetus or embryo (29 C.F.R. § 1635.3; § 1635.4). Any genetic information inadvertently received will be treated as a confidential medical record in accordance with 29 C.F.R. § 1635.8.~~

~~hk. Candidates must bringisare required to providepresent a picture photo I.D. to the pre-placement exam and complete the Medical History Form and~~

~~Commitment to Complete the Physical Form. all forms required by the third-party provider forms.~~

- ~~ii. The Human Resources Department will schedule the candidate for a pre-placement physical exam upon receiving a Personnel Action Form (P-2) approved by the Department Head and City Manager's Office. Upon receipt of an approved Personnel Action Form (P2), Human Resources will notifyies the candidate to schedule theira pre-employment physical examination with the third-party provider.~~

24. Decision and Final Outcomes

Pre-employment physical examination and/or drug screen results will be categorized into one of the following ~~medical determination statuses.~~

a. Medically Qualified

A candidate is "Medically Qualified" when no medical condition exists that would is defined as the status of a candidate who is found to have no medical condition that prevents the candidatethem from performing the essential job functions of the position and who is able to perform the essential job functions the essential functions in a manner that would notor endanger the health or safety of themselves the candidate, other employees, or members of the public.

b. Conditionally Qualified

A candidate is "Conditionally Qualified" when they can perform the essential job functions safely but have a medical condition that imposes specific restrictions or limitations. is defined as the status of a candidate who is found to have no medical condition that prevents the candidate from performing the essential job functions of the position and who is able to perform the essential job functions 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.

~~The Human Resources Director or designeeDepartment will provide the candidate with a issue a "Conditional Qualification" letter outlining the required that will state the necessary accommodations.(s) provided to the candidate so they can perform the essential functions of the job.~~

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

A Conditional Qualification Form will be issued when a candidate has a medical restriction or limitation. This document outlines the specific restrictions or limitations and is provided to the candidate once the City confirms the restriction can be accommodated.

c. Conditionally Disqualified

A candidate is "Conditionally Disqualified" when a medical condition is defined as the status of a candidate who is found to have a medical condition that ~~currently~~ prevents the candidate from performing the essential job functions, but the condition can be effectively managed with routine medication or treatment. 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 complete the prescribed administer such treatment within a reasonable period of timeframe, the candidate will be reclassified as status will be changed to Mmedically Ddisqualified.

d. Medically Disqualified

A candidate is "Medically Disqualified" when the medical condition, is defined as the status of a candidate who is found to have a medical condition that, with or without accommodation, prevents the safe performance of candidate from performing the essential job functions. of the position or that prevents the candidate from performing the essential job 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 must always be considered, where appropriate, prior to disqualification.

The Human Resources ~~Director or designee~~Department will provide the candidate with issue a "Disqualification Letter" specifying which shall include the reason for the disqualification, the medical condition involved which led to the disqualification, a sample of examples of the job duties which would posing a hazard, and for the candidate and instructions for how to appealing the decision.

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

A candidate is "Ddisqualifedation Ddue to Ddrug Uuse" ifwhen they results of the drug screen are positive or provide a urine sample determinedif there is a by the provider to specimen integrity issue. be 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 or otherwise invalid.~~

If the ~~clinic~~ third party provider determines there ~~is a specimen integrity issue, urine sample is questionable, to be a “cold” sample or a sample not meeting their standards of the clinic, they~~ the clinic shall provider will inform the candidate that the specimen provided is questionable and therefore must repeat the drug test as directed by the provider.

Failure to repeat the test as directed by the provider constitutes voluntary withdrawal from the hiring process, and the conditional offer will be ~~revoked~~rescinded.—Should the candidate decline or not comply, then it is understood that the candidate has abandoned voluntarily withdrawn from the pre-placementemployment process and the City’s employment offer is ~~revoked~~. Should the candidate agree to repeat the drug test, the ~~clinic~~ third party provider will continue and complete the physical-pre-employment physical process accordingly.

In accordance with California Government Code section 12954, the City shall not discriminate against an applicant based on a drug screen that finds the person to have non-psychoactive cannabis metabolites in their system. For all candidates unless exempted herein, cannabis testing shall only utilize methods intended to detect active impairment (psychoactive THC). The City shall not request information from an applicant regarding their prior use of cannabis, as mandated by SB 700.

The protections regarding off-duty cannabis use and non-psychoactive metabolite testing do not apply to the following positions:

- Positions in the building and construction trades (e.g., those performing onsite work on the City’s infrastructure, excavation, or repair).
- Positions that require a state and/or federal government background investigation or security clearance.
- Positions regulated by the Department of Transportation (DOT) or other federal mandates requiring testing for controlled substances.

~~The Human Resources Department~~director or designee will provide the candidate with ~~issue a “Disqualification Letter” which shall include~~ stating the reason for the disqualification.

~~Candidates disqualified due to drug use must wait six (6) months before reapplying for any City position.~~

35. Work Restrictions

—a. Some candidates may have a ~~medical condition~~medical condition which could constitute ~~that creates potential~~ health or safety ~~hazards~~ under certain working conditions. The third-party provider will ~~, but not all, employment conditions. To minimize the chances of injury, recommend any necessary work~~ ations of restrictions or/ limitations. Upon receipt of work restrictions, the City will engage in the interactive

process to determine if the City is able to reasonably accommodate. ~~are provided by the City's health care professional third party provider. The restrictions apply to the job under consideration, and when feasible, constitute an accommodation of the candidate's medical condition.~~

~~b. Supervisors and managers~~ City staff will be informed only of necessary work restrictions or accommodations and not of specific medical ~~diagnosed details s or conditions~~. A candidate's supervisor and/or 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 will be periodically reviewedevaluated and consistentlythoroughly enforced throughout the employee'semployee's tenure. 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.~~

46. Reasonable Accommodation

a. ~~The City will consider providing reasonable accommodation, in accordance with fFederal and sState law, forwith respect to candidates that who are conditionally qualified, conditionally disqualified, or medically qualified.~~

b. ~~The City shall initiate a timely, good faith interactive processis obligated to engage in an interactive process~~ with a candidate or employee regarding the determination of reasonable accommodation. The interactive process requires the participation of both the City and the candidate or employee.

57. Appeal Process

a. ~~A If a candidate ismedically disqualified from employment or appointment to a position, to a position for failing to meet the medical standards for the job class, he or shethey may file a written request through to the Human Resources Director for a review of the decision by submitting a written appeal to the Human Resources Director or designee his or herthe disqualification. The request must be submitted within ten (10) working days after the candidate is notified of the disqualification.~~

b. ~~The candidate may submit additional medical information within thirty (30) days of filing the appeal, regarding his or hertheir medical condition, including a report by from an independent medical examiner (a physician other thannot the candidate's treating physician or his/hertheir associates), within thirty (30) days from submitting the appeal notification. The information provided must be relevant to the naturedirectly and extent of the medical condition(s) which relateds to the applicant's candidate'scondition that resulted in disqualification. All medical examxaminations relating to this appeal are the financial responsibility of the candidate.~~

~~c. Further~~Additional medical information provided by the candidate will be submitted to the ~~third party~~third-party provider. The provider ~~who will review and issue a recommendation to the Human Resources Department, and a final determination regarding employment or appointment eligibility will be made.~~
~~whether or not the candidate meets the medical requirements~~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 Human Resources Director. The Human Resources Director ~~shall~~will then consider the recommendations from the health care professional, consider reasonable accommodation opportunities, and make the final employment decision.

~~d. The time line~~timelines set forth in this policy do not ~~lessen~~reduce the City's obligations of the City to provide reasonable accommodationsaccommodation in accordanceas required by with federal and state law.

68. Storage of Medical Files

~~The Human Resources Department will store~~Mmedical records will be stored separately and apart from the official pPersonnel files and maintained as such records as confidential by the Human Resources Department in accordance with federal and state law. -

The Human Resources Director or designee shall ~~may~~ make any ~~exception~~exceptions to this ~~e above~~ policy, if ~~when~~ necessary to comply with ~~fFederal~~ or ~~sState~~ law.