

- b. The health care professional shall provide recommendations to the City of Riverside 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, 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.
- 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**. 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-employment examinations will be paid for by the City of Riverside. Should a candidate wish to submit additional information in appeal of a disqualification, the candidate shall bear the expense of obtaining such information.

4. Drug and Alcohol testing for Positions Requiring a Commercial Driver's License

Federal regulations require pre-employment drug testing for all applicants to safety-sensitive positions.

- 1. Pre-employment physicals performed on individuals covered by the Federal Highway Administration and Federal Transportation Administration regulations will include drug screen tests in accordance with federal requirements. A verified negative urinalysis is also required when an employee transfers or promotes to a position that requires safety-sensitive duties.
- 2. All job announcements or other promotional material for covered positions shall specify that drug screen tests shall be part of the physical examination.

3. Only applicants who have been given a job offer conditioned upon passing a physical examination shall be given drug screen tests.
4. The applicant for the affected position shall be given a copy of the City's Drug and Alcohol Policy at the time of their conditional offer of employment, and shall, as a prerequisite to employment, sign a consent form and submit to pre-employment drug testing. Applicants who do not consent to such testing will not be considered for employment.
5. If the consent form is signed, the pre-employment physical is conducted. The candidate must produce a negative test result prior to employment or to first performing a safety-sensitive duty. If the test is canceled, the employee must retake and pass the test before being hired.
6. After certification by the Medical Review Officer, results of any laboratory test will be shared, via the Medical Review Officer, with the Human Resources Director or designee.
7. As required by federal regulations, an applicant for any safety-sensitive position – whether as a new hire or as a result of transfer or promotion – who has previously failed or refused a Department of Transportation pre-employment test shall be required to produce evidence that he/she has completed a referral, evaluation, and treatment plan for drug and/or alcohol abuse.
8. No prospective employee may begin work prior to completion of a pre-employment physical.
9. As required by federal regulations, a covered employee or applicant who has not performed a safety-sensitive function for 90 consecutive calendar days, regardless of the reason, and who has not been in the employer's random selection pool during that time, shall be required to take a pre-employment drug test with a verified negative result prior to returning to safety-sensitive duties.

5. **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 form, "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. 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.

6. 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. 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.

7. 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.

8. 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 Human Resources Director 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 may submit additional information regarding his or her medical condition, including a report by an independent medical examiner (a physician other than the candidate's treating physician or his/her associates), 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 Human Resources Director. The Human Resources Director shall then consider the recommendation from the health care professional, consider reasonable accommodation opportunities, and make the final employment decision.
- d. The timelines 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 Human Resources Director shall make any exceptions to the above policy, if necessary to comply with Federal and State law.

PROCEDURE:

Responsibility	Action
Department	<ol style="list-style-type: none">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 original application form.
Human Resources	<ol style="list-style-type: none">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 questions #1-11 of the Medical History Form and provides the candidate with the form prior to the pre-placement medical exam.
7. Provides candidate with a "Commitment to Complete the Physical Form."
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. Forwards all examination documentation, via fax, to the health care professional not later than one working day after the date of the examination.
11. Evaluates the examination documentation and the Job Profile and applies the medical standards.
12. May request that previous treatment records be obtained for a candidate if relevant to the qualification decision and/or referral to a specialist.
13. Determines final medical qualification recommendation.
14. Provides medical examination results and recommendation to the Human Resources Department within one

Health Care Professional

business day of receipt of the examination documentation.

Human Resources

15. Forwards all documentation through the regular mail system unless otherwise requested.
16. Considers the health care professional's recommendation.
17. Initiates dialogue with hiring authority in consideration of Medically Qualified, Conditionally Qualified, Conditionally Disqualified or Medically Disqualified candidates.
18. 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 the "Conditional Qualification Letter" and "Employee Agreement to Condition(s) of Employment Form."
 - c. Recommendation for Delayed Qualification- provides candidate with the "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.

19. Considers reasonable accommodation opportunities. Makes final employment decision.

20. Stores medical records separate and apart from the official Personnel file and maintains such records as confidential.

Candidate

21. May submit appeal in writing within ten (10) days of receipt of the medical condition disqualification to the Human Resources Director.