



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:


Human Resources Director


City Manager

Number: I-10 Effective Date: 08/26

SUBJECT: PRE-EMPLOYMENT PHYSICAL EXAMINATIONS & DRUG SCREENS

PURPOSE:

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

POLICY:

The conditional job offer shall specify that employment is contingent upon the candidate successfully completing and receiving clearance from the required pre-employment physical examination and/or drug screen.

The necessary 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.

All candidates for employment, including former employees being rehired or reinstated shall be required to undergo a pre-employment physical examination after receiving a conditional offer of employment.

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

1. Policy Guidelines

The City of Riverside utilizes designated third-party providers to 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

The City will provide the third-party provider with current job descriptions detailing the physical requirements necessary for an accurate medical evaluation. The third-party provider will administer the required physical exams and/or drug screens and evaluate whether the candidate/employee is medically qualified or disqualified to perform the essential functions of the position. 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. Prior to any disclosure of medical information by the third-party provider, the candidate must sign a written authorization.

All initial pre-employment physical examinations will be paid for by the City of Riverside. Should a candidate decide to appeal a medical disqualification and submit additional medical information, the candidate will be responsible for any associated costs.

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.

2. Decision and Final Outcomes

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

a. Medically Qualified

A candidate is "Medically Qualified" when no medical condition exists that would prevent them from performing the essential job functions of the position or endanger the health or safety of themselves, 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.

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 prevents the candidate from performing the essential job functions, but the condition can be effectively managed with routine medication or treatment.

If the candidate does not complete the prescribed treatment within a reasonable timeframe, the status will be changed to Medically Disqualified.

d. Medically Disqualified

A candidate is "Medically Disqualified" when the medical condition, with or without accommodation, prevents the safe performance of the essential job functions. Reasonable accommodation must always be considered, where appropriate, prior to disqualification.

The Human Resources Department will issue a "Disqualification Letter" specifying the reason for the disqualification, the medical condition involved which led to the disqualification, examples of job duties posing a hazard, and instructions for appealing the decision.

e. Disqualification Due to Drug Use

A candidate is "disqualified due to drug use" if the results of the drug screen are positive or if there is a specimen integrity issue. If the provider determines there is a specimen integrity issue, the 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 rescinded. Should the candidate agree to repeat the drug test, the third-party provider will continue and complete the 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.

3. Work Restrictions

Some candidates may have a medical condition that creates potential health or safety hazards under certain working conditions. The third-party provider will recommend any necessary work 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. City staff will be informed only of necessary work restrictions and not of specific medical details.

4. Reasonable Accommodation

The City will consider providing reasonable accommodation, in accordance with federal and state law, for candidates who are conditionally qualified, conditionally disqualified, or medically qualified. The City shall initiate a timely, good faith 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.

5. Appeal Process

A candidate medically disqualified from appointment to a position may request a review of the decision by submitting a written appeal to the Human Resources Director or designee the within ten (10) working days after the candidate is notified of the disqualification.

The candidate may submit additional medical information within thirty (30) days of filing the appeal, including a report from an independent medical examiner (not the candidate's treating physician or their associates). The information provided must be directly related to the condition that resulted in disqualification. All medical examinations relating to this appeal are the financial responsibility of the candidate.

Additional medical information provided by the candidate will be submitted to the third-party provider. The provider will review and issue a recommendation to the Human Resources Department, and a final determination regarding employment or appointment eligibility will be made.

The timelines set forth in this policy do not reduce the City's obligation to provide reasonable accommodation as required by law.

6. Storage of Medical Files

Medical records will be stored separately from the official personnel file and maintained as confidential by the Human Resources Department in accordance with federal and state law.

The Human Resources Director or designee may make exceptions to this policy, when necessary to comply with federal or state law.

