



Supplement to AR #2.16, Occupational Health Policy

## **GUIDE TO OCCUPATIONAL HEALTH POLICY PROCEDURE**

The purpose of this guide is to provide direction for department/agency heads whose personnel may require pre-employment, return to work, fitness for duty, annual physical and/or mental examinations for continued employment with the City of Chesapeake.

### **I. PRE-EMPLOYMENT EXAMINATIONS**

If an applicant has been offered conditional employment in a job classification that requires a physical and/or mental examination (a “pre-employment examination), the pre-employment examination becomes a condition of employment. The applicant must pass the pre-employment examination to become employed by the City of Chesapeake.

If an existing City employee applies for and receives a conditional offer for a job classification that requires a pre-employment examination, the pre-employment examination becomes a condition of employment. The employee is required to submit to and pass the pre-employment examination prior to appointment to the new position.

The City will pay the cost of the initial conditional pre-employment examination required as part of a conditional offer of employment as a new employee to the City or as the result of an employee transitioning to a new position which requires a pre-employment examination.

If a candidate or existing employee does not pass the pre-employment physical and/or mental examination administered by the City, he/she may seek a second opinion from a personal physician. This opinion must be referred back to the City’s procured provider for a final determination. The second opinion shall be obtained at the applicant/employee’s expense.

In certain cases, the City’s procured provider may require further testing by a specialist. Any specialist exams requested by the City’s procured provider as a part of the conditional pre-employment examination process will be at the applicant/employee’s expense.

## **II. RETURN TO WORK EXAMINATIONS**

The employee must provide a medical release and may be required to furnish medical records to the City's procured provider from his/her treating healthcare provider(s). The City's procured provider shall review the medical records and provide a written statement on the employee's abilities/limitations regarding the essential functions of his/her position. If the procured provider is unable to determine if the individual can return to work, a Functional Capacity Examination (FCE) by an Independent Medical Examiner may be recommended and is subject to approval by the City's Department of Human Resources Director or designee.

## **III. FIT FOR DUTY EXAMINATIONS**

The department will coordinate the fitness for duty examination with the City's procured provider at the department's expense. A fit for duty examination may include a physical and/or mental examination.

If the procured provider determines that the employee is unable to perform the essential functions of the position, the employee may be reassigned or separated from employment in accordance with City policies and applicable laws and regulations.

If the City's procured provider determines the employee is able to perform the essential functions of the position, the department/agency head shall take appropriate personnel action under the applicable policies to return the employee to working status. An employee's refusal to comply with a fitness for duty examination may result in disciplinary action up to and including termination of employment.

## **IV. ANNUAL EXAMINATIONS**

Examinations will be scheduled by the department with the City's procured provider and the department will be notified whether the employee is cleared for duty. The City will pay the cost of the annual physical and/or mental examination through the City's procured provider for sworn public safety employees. If an employee obtains an annual examination through his/her own personal provider, it will be at his/her own expense.

If an employee does not pass the annual physical and/or mental examinations administered by the City, he/she may seek a second opinion from a personal physician. This opinion must be referred back to the City's procured provider for a final determination. The second opinion shall be obtained at the employee's expense.

## **V. SCHEDULING AND PROCEDURE**

At the department/agency head's discretion, the department's designated coordinators or employees can schedule pre-employment, annual, return to work, and fitness for duty examinations. Whenever possible, all periodic and routine examination appointments shall be scheduled at the most conveniently located facility at least one workweek in advance. City department/agency coordinators will provide each individual with the appropriate instructions and forms to take to the appointment.

In the event that a City applicant, employee, intern or volunteer must cancel a scheduled examination appointment, the department/agency head has the discretion to direct the department coordinator or the applicant, employee, intern, or volunteer to notify the procured provider's scheduling coordinator of the cancellation. Notice of any cancellation should happen as soon as possible, preferably no less than 24 hours before the appointment.

Following the date of hire, time spent getting physical and/or mental examinations is considered compensable time.