

MEDICAL EXAMINATIONS

Sec. 40. Medical examinations will be administered by the City Health Officer and/or other physician(s) as directed by the City Health Officer. Examinations shall be conducted under accepted medical standards approved by the City Health Officer and shall consider the person's ability to safely perform the essential duties of the position. The findings of the City Health Officer and/or other physician(s) shall be reported to the appropriate appointing authority and the Commission.

PROSPECTIVE EMPLOYEES The Civil Service Commission shall require that a medical examination be administered to each individual who has received a conditional offer of employment for any position in the classified service, before he/she begins work.

When such an individual fails the medical examination due to any medical condition that is not considered a disability, the Commission may, at its discretion, recommend that the appointing authority grant him/her reasonable time to remove and/or control the condition. The Executive Director may, under Section 6, subsection (5) of the Civil Service Rules and Regulations, withhold further certification of, and may recommend that the Commission remove from the eligible list, disqualify, and/or refuse to certify, individuals who have received a conditional offer of employment and failed the medical examination.

EMPLOYEES A medical examination shall be administered to any employee who has been absent from duty for any reason for a period of six months or more before he/she is eligible for, or entitled to, return to active duty. Additionally, an appointing authority, having reasonable cause to believe that an employee may be incapable of performing the essential duties of his/her position or may pose a direct threat to the health or safety of himself/herself, fellow employees, or the public, may require the employee to appear before the City Health Officer for a medical examination. The appointing authority or his/her designated representative shall arrange for and notify the employee, in writing, at least five days in advance of the time and place the examination is to be administered.

FAILURE OF EMPLOYEE MEDICAL EXAMINATION An employee will be deemed medically incapable if he or she fails such a medical examination and either cannot be reasonably accommodated or is not entitled to a reasonable accommodation because failure is not due to a disability. The appointing authority may transfer, reassign, demote, release, or retire such an employee in accordance with appropriate laws.

EMPLOYEE RIGHTS TO APPEAL Employees released due to incapability shall have the same due process rights as a disciplined employee including all provisions set forth in Section 76 of these Rules and Regulations. Employees given or denied disability retirements shall have the right to appeal as follows:

- (1) Local safety members of the Public Employees Retirement System (PERS) placed on disability retirement shall have the right to file a written notice of appeal with the Commission within 15 days after service of notice of disability retirement. All such appeals filed in a timely manner will be handled under Article VII of these Rules and

Regulations, the appropriate sections of the Personnel Ordinance, and the California Government Code.

- (2) All other personnel shall have the right to appeal disability retirements directly to PERS, and cannot appeal such retirement to the Civil Service Commission. However, demotions, releases, or involuntary service retirements of classified personnel under this section may be appealed directly to the Civil Service Commission.

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