

Department of the Interior
DEPARTMENTAL MANUAL

Personnel

Part 370 DM Addition to FPM

Chapter 339 Qualification Requirements (Medical) 370 DM 339, 1.1

Subchapter 1. General Provisions.

.1 Policy. The Department recognizes a duty not only to prospective appointees, but also to present employees in matters of medical qualifications. It will not knowingly employ or continue in employment, persons who do not meet prescribed medical standards or who are physically or mentally incapable of performing the duties of their position efficiently without hazard to themselves or to others. This is not intended, however, to militate against the employment of the physically handicapped or mentally restored who are able to perform satisfactorily certain types of work.

.2 Responsibilities.

A. The Division of Medical and Health Services, Office of Organization and Personnel Management establishes physical standards for all excepted positions. Bureaus are responsible for the initial development and recommendations of appropriate physical standards.

B. The Division of Medical and Health Services is responsible for the development of all physical standards for competitive positions which are peculiar to the Department, bureau or office and provides assistance to the U. S. Civil Service Commission in the establishment of Government-wide physical standards.

C. The Department has the authority to determine under Civil Service Commission guidelines that an individual meets published physical standards for competitive positions and that an individual either meets or does not meet standards for excepted positions subject to the limitations on Schedule B appointments and the provisions of the Veteran's Preference Act of 1944, as amended, described in FPM Chapter 339. This authority is to be exercised by the heads of bureaus and their designated representatives (appointing officers).

D. The Department furthermore is authorized to eliminate an applicant for consideration for appointment to a specific competitive position for failure to meet appropriate medical requirements subject to limitations contained in FPM Chapter 339, Subchapter 1. This authority shall be exercised by heads of bureaus and their designated representatives (appointing officers) with the Division of Medical and Health Services providing, on a Department-wide basis, the services previously rendered by the Commission's Medical Division in reviewing and evaluating pre-employment physical examinations of applicants determined by the appointing officer as not meeting appropriate physical standards. The appointing officer shall submit the applicant's preemployment physical examination as well as a copy of the position description to the

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Division of Medical and Health Services for review and evaluation prior to informing the applicant of his/her being ineligible on medical grounds for that specific competitive position. In special cases, preliminary determination may be made by the Division of Medical and Health Services over the telephone. In mandatory in-service examinations the medical records of those not meeting the physical requirements shall be submitted to the Division of Medical and Health Services for review and evaluation. This applies Department-wide.

E. Professional advice on medical matters shall be obtained from the Division of Medical and Health Services, from medical officers in other Government agencies with which agreements for such services have been made, or from a U. S. Civil Service Commission medical officer.

.3 Fitness for Duty Examinations. A fitness-for-duty examination provides a current official medical evaluation of an employee's ability to perform satisfactorily the requirements of the position. The degree of ill health or physical impairment must raise substantial question as to the employee's physical, mental, or emotional ability to perform the demands of the position. However, this section does not supersede the provisions of Public Laws 91-616 and 92-255 as they pertain to problem drinkers and drug abusers. Fitness-for-duty examinations are ordered and arranged by the head of the bureau or designated representative (personnel officer) and the cost for such examinations shall be charged to the appropriation of the activity in which the employee is engaged.

A. An employee's unsatisfactory work performance due to ill health or physical limitations must be documented, e.g. leave record, performance evaluation, etc.

B. If the health problem is not satisfactorily resolved by informal discussion or counseling, the employee may then be directed by the bureau or office to undergo a fitness-for-duty examination.

C. A fitness-for-duty examination shall not be arranged unless its purpose and significance have been fully explained to the employee. Every effort should be made to obtain the employee's cooperation in arranging for the examination. The consent of the employee is desirable but not mandatory.

D. Procedures to be followed in processing a fitness-for-duty examination because of a physical disorder are:

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(1) A written notice must be given to the employee by the personnel officer. This notice must also include reasons for such an examination as well as how to participate in the selection of an examining physician if the employee desires to do so. Furthermore, an employee has the right to be represented and must be informed. If the employee belongs to a unit which is represented by a labor organization holding exclusive recognition, that employee has a right to have that labor organization as his/her personal representative and to be present in the proceedings.

(2) The employee may choose to undergo either a physical examination which is to be performed by a physician selected solely by the bureau or by a physician selected by the bureau from a list of three to five physicians submitted by the employee.

(3) If an employee is unwilling to submit names of physicians who may perform the physical examination, charges should be brought against the employee within 15 days after notice of refusal is received from the employee. The charge may include refusing to undergo a fitness-for-duty examination as directed, or failing to cooperate in undergoing an examination.

(4) All available information pertinent to the employee's health problems must be made available to the examining physician and the same information is also made available to the employee or a physician designated by the employee in writing for this purpose.

(5) Additional examinations or tests may not be ordered unless recommended by the examining physician.

(6) A copy of the fitness for duty examination results may be made available to a physician designated in writing for this purpose by the employee. In many cases, examining physicians object to releasing medical information except to another physician. When this arises the examining physician should be requested to furnish a copy of the complete examination directly to the Division of Medical and Health Services. The Division in turn shall refer the information to the bureau or office concerned.

E. Procedures to be followed in processing a psychiatric fitness-for-duty examination:

(1) No employee may be ordered to undergo a psychiatric fitness-for-duty examination without the majority recommendation of a panel consisting of (1) Chief, Division of Medical and Health Services, (2) representative

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of Division of Organization and Manpower Management, Office of Organization and Personnel Management, and (3) official designated by the concerned bureau; convened for the purpose of evaluating the circumstances of the case. This applies to all cases within the Department.

(2) If the panel recommended a psychiatric fitness-for-duty examination:

(a) The employee must be given a written notice by the bureau or office.

(b) Appointment of a representative is required. The employee may name the representative at any time after he/she has received the notice. If the employee fails to name one voluntarily, despite the bureau's or office's urgings and assistance, a representative must then be appointed.

(c) If a representative has to be appointed by the bureau or office, it may select a family member, union officer, veterans service officer, or if none is available, a Department employee. An employee should be selected only as a last resort, and the employee selected must not be under the jurisdiction of the supervisor initiating the request for a psychiatric fitness-for-duty examination.

(d) The representative must be furnished copies of all notices, determinations, decisions, or other written communications issued to the employee under these procedures.

(e) Copies of the psychiatric findings will be made available only to a licensed physician, designated in writing for that purpose by the employee. In most cases, psychiatrists object to releasing psychiatric information except to another physician. When this arises the examining physician should be requested to furnish a copy of the complete examination directly to the Division of Medical and Health Services for review, evaluation, and recommendation to the requesting bureau.

(f) The employee may choose to undergo a psychiatric examination which is to be performed by a psychiatrist selected solely by the bureau or by a psychiatrist selected by the bureau from a list of three to five board-certified psychiatrists submitted by the employee. (Board certified is defined as those psychiatrists who have passed the examination given by the American Board of Psychiatry and Neurology and has been certified as such.)

(g) If the employee refuses to cooperate altogether, the documentation of all instances of alleged behavioral deficiencies, upon

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which the decision to order a psychiatric examination was based, may serve as the basis for an agency filed application for disability retirement, in those cases where the employee is eligible for disability retirement.

(h) As described in 370 DM 339, 1.3E(1) above, the panel must consist of: (1) Chief, Division of Medical and Health Services, Department of the Interior (Chairman), (2) representative of Division of Organization and Manpower Management, Office of Organization and Personnel Management (Member), and (3) management official designated by the concerned bureau in each case (Member). The complete case file will be submitted to the panel who shall decide each case promptly. The panel does not have to hold a meeting to reach a decision.

F. When a medical examination indicates that a hazardous health condition exists, even though it may not have shown up in the employee's work, a determination shall be made as to whether the condition could be affected by the requirements of the position. It is the responsibility of the bureau head, or designated representative (personnel officer) to advise the employee and consider alternatives such as disability retirement, reassignment to other duties or another position where the employee can perform services to benefit the bureau without detriment to that employee's health, or other appropriate action up to and including removal where warranted.

G. Procedures for mandatory in-service examinations for employees in hazardous or arduous occupations are as follows:

(1) Supervisors shall notify employees when their periodic physical examinations are due.

(2) Bureaus and offices shall establish reasonable time schedules for periodic physical examinations in consideration of the types of arduous work being performed.

(3) A copy of the employee's current position description shall be sent to the examining physician.

(4) Arrangements may be made with the Division of Medical and Health Services for review and evaluation of medical examination results.

H. Serious efforts shall be made to protect the employee's retirement, life insurance, and health benefits coverage during the period of treatment of a remediable mental or physical health condition. A liberal approach shall be taken toward granting necessary leave while the employee is undergoing treatment or emergency hospitalization, and

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reemployment whenever possible after recovery if extended absence necessitates separation.

I. An employee who operates government vehicles shall meet certain physical fitness requirements established for this purpose. (See 394 DM 4, Physical Fitness Test)

J. The coordinator for employment of the physically handicapped, or the personnel officer when there is no coordinator, shall complete Item 15, Standard Form 2801-A, Certification by Coordinator for the Employment of the Handicapped, to accompany a disabled employee's applications for retirement to the Civil Service Commission (See 370 DM 339,4).

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Subchapter 2. Physical Standards.

.1 Establishment and Use of Excepted Standards

A. Departmental Responsibility. The Office of Organization and Personnel Management is responsible for developing and establishing the Department's authority contained in FPM 339. The Director, Organization and Personnel Management shall be represented by the Chief, Division of Health Services, Office of Organization and Personnel Management in this regard.

B. Bureau Responsibility. Bureaus should report promptly the need for new or revised physical standards for excepted positions to the Division of Health Services.

C. Miscellaneous. Physical standards for excepted positions are contained in the Department's Supplement to Civil Service Handbook C-118. In the absence of physical standards for excepted positions, existing standards for competitive positions are applied to comparable excepted positions. Where no published physical standards exist, the physical requirements and the environmental factors of the position will be used as a basis for determining physical capability of performing efficiently the duties of the position without hazard to the prospective employee or others. The U. S. Civil Service Commission's criteria for the waiver of published physical standards also apply to excepted positions.

.2 Overseas Employment. All nontemporary appointees and employees assigned to overseas positions are required to meet the usual physical standards for Federal employees as well as immunization requirements specified by the U. S. Public Health Service. To assist in properly evaluating the physical fitness of the individual in relation to the position, the examining physician should be advised of environmental and functional factors of the job which might affect the health of the employee.

A. Agency for International Development (AID) Assignments. Employees of the Department who are assigned overseas in connection with the AID Program, are required by the U. S. Department of State to meet the physical standards for foreign duty personnel.

B. U. S. Possessions or Areas Under the Administration of the United States. Personnel assigned to U. S. possessions or areas under the administration of the United States must also meet the usual physical standards for Federal employees.

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Subchapter 3. Delegation of Authority to Agencies

.1 Obtaining, Reviewing and Acting on Medical Evidence. The Department's requirements for obtaining medical certificates are contained in 370 DM Supplement 296-31. Only CSC authorized forms, such as SF-78, as well as procedures established by the Civil Service Commission shall be utilized for both competitive and excepted positions. The Division of Health Services, Office of Organization and Personnel Management, with the consent of the Medical Division of the Civil Service Commission, may authorize a bureau to use another form or procedure.

A. Cost of Medical Examinations.

(1) Preemployment Medical Examinations. The applicant must pay for a medical examination performed by a private physician, unless a statute or an appropriations act gives the bureau or office authority to pay this expense. Arrangements may be made for preemployment medical examinations through the facilities of other Government agencies that have statutory authority to conduct these examinations.

(2) Preventive Medical and Treatment Services. The expenses incurred by employees for medical treatment are a personal matter to the employee. There is no authority for the payment thereof from public funds unless provided for in the contract of employment, by Federal statute, or valid regulation. Certain exceptions to this general rule are:

(a) The Compensation Act of September 7, 1916, as amended, provides that for any injury sustained by an employee in the performance of duty, the United States Government shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians. which in the opinion of the Office of Federal Employees' Compensation are likely to cure or to give relief, or to reduce the degree or the period of disability, or to aid in lessening the amount of the monthly disability compensation. Such treatment shall, except in extreme emergencies, be arranged for through the Office of Federal Employees' Compensation.

(b) The Comptroller General has held that where the circumstances are such that precautionary and preventive medical services to an employee are primarily in the interest of the Government, the expenses for such services may be paid if they are reasonable and if there is positive evidence of actual need in the public service. Medical examinations of employees in connection with the Department's Motor Vehicle Operator Program may be paid under the conditions set forth in 370 DM 930.

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(3) Fitness for Duty Examinations. The Comptroller General has held that when it has been administratively determined that a fitness for duty medical examination is needed primarily for the benefit of the Government and the protection of other personnel, the cost of the examination may be charged to the appropriation for the activity in which the employee is engaged. If the employee does not wish to take the medical examination made available by the employing bureau and wants to have the examination performed by a physician of that employee's own choosing, the cost of the examination must be paid for by the employee.

If a bureau recommends a psychiatric examination, or, during or after a physical examination, it will be ordered only after approval by a majority of a special Department of the Interior panel. This applies to all cases within the Department. The panel consists of: (1) Chief, Division of Health Services, Office of Organization and Personnel Management (Chairman) (2) representative of the Division of Program Operations, Office of Organization and Personnel Management (member) and (3) a line supervisory or management official designated by the concerned bureau in each case (member). The complete case file will be submitted to the panel who shall decide each case promptly.

B. Custody of Medical Records. Where health units are operated by an Interior bureau, bureaus, office or offices, and are under the control of a physician or a registered nurse under medical supervision, the actual records of a medical examination and other miscellaneous medical records including Optional Form 58, if used, should be retained by the health unit and be held confidential. Otherwise, they must be kept in a separate locked cabinet during the employee's service with the bureau or office and may not be made a part of the Official Personnel Folder. They may not be made available to agency personnel other than those who require them to carry out an assigned responsibility. Parts D, E. and F of the SF-78 are not considered to be a medical record and are filed in the Official Personnel Folder. Medical records are to be held strictly confidential. Disclosure of such health record contents is permissible only upon the written consent of the employee or upon the order of a competent court.

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Reviewing and Acting on
FPM Supplement 339-31 Medical Certificates

370 DM 339-31, S1.1

Subchapter S1. Guides for Reviewing Certificates

.1 Sources of Additional Information.

A. FPM 339 and 370 DM 339, which provide general background information on qualification requirements (medical), physical standards, and delegations of authority.

B. FPM Supplement 296-31 and 370 DM Supplement 296-31, which indicate when a certificate of medical examination is required and the procedures for obtaining medical certificates.

C. CSC Handbook X-118 or appropriate examination announcements for physical requirements for competitive positions.

D. Interior supplement to Handbook X-118 for physical requirements for excepted positions.

.2 Responsibilities.

A. The Department has authority to determine (1) under Commission guidelines that an individual meets the published standards for competitive positions and (2) that an individual either meets or does not meet standards for excepted positions with the exceptions on Schedule B appointments and the provisions of the Veterans' Preference Act of 1944, as amended, described in FPM 339.

B. This authority is to be exercised by the heads of bureaus and offices and their designated representatives (appointing officers).

C. Professional advice on medical questions must be obtained from the Civil Service Commission, from appropriate Bureau medical officers, or from medical officers in other Government agencies with which agreements for such services have been made.

.3 Use of Commission Guidelines. The guidelines contained in FPM Supplement 339-31 shall be used for determinations for excepted as well as for competitive positions.

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