

**FEDERAL INTERAGENCY
WILDLAND FIREFIGHTER
MEDICAL QUALIFICATION
STANDARDS**

INTRODUCTION

Introduction

In FY1997 the National Fire and Aviation Executive Board (NFAEB) authorized an interagency team to address a common perception that the present physical examination processes for employees who participate in arduous wildland fire fighting duties are not adequate.

The team underwent basic firefighter training, gathered information on the present procedures involved with physical examinations, reviewed relevant studies, interviewed fire managers and firefighters (both in an office setting and on the fire line) and discussed their findings.

It was the consensus of the team that the then current physical examination process was inadequate for the intended purpose of reasonably assuring a level of employee health necessary so that the employee will not be at unnecessary risk, or put others at risk, in performing arduous duties associated with firefighting. There were very real questions concerning whether the physician was given enough information to make a medically sound judgment of whether the individual being examined could safely perform the duties required by these positions. There was also the question of what relevant health factors should be assessed and what was the most effective and economic method of assessment.

Historical Practices

The practices used by the five wildland firefighting agencies prior to the FY02 implementation varied widely, and none of these practices were viewed as acceptable from a medical practice standpoint, or from a legal standpoint considering federal disability employment regulations found in the Rehabilitation Act of 1973 (Public Law 93-112) as amended.

Department of the Interior land management agencies used a variety of government forms and provided varying levels of information to examining physicians in connection with firefighter physicals for present and prospective employees.

Information and forms provided by these agencies included:

BUREAU OF INDIAN AFFAIRS

Standard Form No. 78, Certificate of Medical Examination

- Appendix A-#6 STATEMENT OF PHYSICAL ABILITY FOR ARDUOUS/HEAVY PHYSICAL WORK

- 53 BIAM(manual) SUPPLEMENT 8, FOREST AND RANGE MANAGEMENT, Fire Management Operations

FISH AND WILDLIFE SERVICE

- Standard Form No. 78, Certificate of Medical Examination

- Form 1400-108, Physical Requirements for Firefighters and Smoke jumper Positions

- Explanatory material (pages 1.5-17 through 1.5-20) from the Fire Management Handbook.

BUREAU OF LAND MANAGEMENT

- Standard Form No. 78, Certificate of Medical Examination
- Form 1400-108, Physical Requirements for Firefighters and Smoke jumper Positions
- SPECIFIC INSTRUCTIONS TO PHYSICIAN

NATIONAL PARK SERVICE

- Standard Form No. 78, Certificate of Medical Examination
- Physician Response Memo
- PERSONAL HEALTH HISTORY QUESTIONNAIRE
- PHYSICAL EXAMINATION POLICY AND PROCEDURES
- Instruction letter to physician
- PRE-APPOINTMENT PHYSICAL EXAM REIMBURSEMENT VOUCHER

Once an examination was completed, the examination results were commonly forwarded to the Servicing Human Resources Office of the employing agency. The Servicing Human Resources Office reviewed the Standard Form 78 to determine whether the examining physician had marked, in the conclusions block, either “No limiting conditions for this job” or “Limiting conditions as follows:” If “No limiting conditions for this job” was marked, the individual was either hired, or, in the case of a present federal employee, was allowed to participate in arduous duties. If “Limiting conditions as follows:” was marked, the Servicing Human Resources Office met with agency management to determine whether a reasonable accommodation could be made.

U. S. FOREST SERVICE

The U. S. Forest Service had not initiated a medical review/medical clearance program for firefighters.

Perceived problems with the then current practices included:

- Lack of consistency among agency programs even though wildland firefighters from different agencies frequently perform the same duties side by side.
- Lack of a formal documented waiver/accommodation process for firefighters who do not meet medical standards.
- Lack of a comprehensive medical history as part of the examination process.
- Examination form(s) which are inconsistent with needed elements of the examination.

Current Practices from FY02 forward

Beginning FY02, the Department of the Interior Bureaus began a geographic implementation of the Interagency Wildland Firefighter Medical Qualification Standards program with full implementation nationwide by FY07.

The Forest Service began implementation at seven co-located BLM-FS units in the Pacific

Northwest in FY03, with full Region 6 implementation in FY05. Beginning FY06 the Forest Service initiated implementation nationwide with projected completion by FY10.

Federal Interagency Medical Qualification Standards Program

Highlights

The medical qualification program presents several significant departures from current agency practice. These changes include:

Personnel Required to Administer the Program

Servicing Human Resources Office(r) (SHRO) - The servicing Human Resources Office(r) is responsible for providing appropriate medical forms to GS/WG seasonal temporary position and permanent position applicants. The local/national SHRO is the subject matter expert involving Agency HR practices during the Waiver/Accommodation and Interagency Medical Review Board process.

Fire Management Office(r) (FMO) – The fire management office(r) is responsible for providing appropriate medical forms to incumbent personnel; and AD/EFF firefighters over 45 years of age. The local/national FMO is the subject matter expert involving Agency fire operations during the Waiver/Accommodation and Interagency Medical Review Board process. The national FMO responsibilities are typically assumed by the Agency's Federal Fire and Aviation Safety Team (FFAST) representative.

Central Medical Consultant (CMC) - A central medical consultant provides medical interpretation of the findings of medical examinations, medical histories, quality assurance/quality control on medical documents, and medical clearance determinations on the Baseline, Periodic, and Exit examinations. The CMC is a board certified physician with experience in occupational health and wildland firefighting. Training may be required in recognition of the medical conditions that may represent a substantial risk of harm in the performance of arduous wildland firefighting duties.

Medical Review Officer (MRO) - The Interagency Wildland Firefighter Medical Qualification Program includes the formal designation of a Medical Review Officer who can interpret adverse medical findings using actual knowledge of the condition under which wildland firefighters duties are performed. The designation of an MRO may be done on an agency or interagency basis, depending upon specific needs. The MRO must be familiar with wildland firefighter operations in order to render expert opinions relating to medical fitness.

Program Manager - The Interagency Wildland Firefighter Medical Qualification Standards program includes the formal designation of an overall Program Manager who will effect consistent nationwide implementation and program management, provide continuity to the second level waiver/accommodation review process, and coordinate with the NFAEB and FFAST members. This individual should have a background in wildland firefighting and expertise in safety and occupational health. The Program Manager will be a member of the Interagency Medical Standards Team and the

Interagency Medical Review Board. This position is a full time responsibility.

Program Specialist – Beginning FY06 the Interagency Wildland Firefighter Medical Qualification Standards program includes the formal designation of a Program Specialist who tracks and reviews incoming medical files for completeness, initiates the waiver/accommodation process, provides nationwide expertise in Employee Relations to Agency SHROs, and controls the flow of medical files to the MRO. This individual should have interagency knowledge of Employee Relations and Equal Employment Opportunity programs. This individual will be an advisory member to the Interagency Medical Standards Team and the Interagency Medical Review Board. This position is a full time responsibility.

Interagency Medical Review Board - The Interagency Wildland Firefighter Medical Qualification Standards program includes the formal designation of an overall Interagency Medical Review Board (IMRB) that will provide a variety of professional expertise to the second level review process. The Board members will ideally come from a variety of backgrounds including occupational safety, occupational medicine, wildland firefighting safety, management, union, human resources, etc. The board will take medical review findings from the MRO and determine, with input from the SHRO and local fire management, whether any waiver or accommodation is pertinent to the individual case. The IMRB will consider the specific details of each second level review on a case by case basis, providing continuity to the overall program.

Timing (See page 7 for a quick reference chart)

Incumbents or Applicants for permanent/career seasonal/term positions, less than 45 years old

A Baseline then Periodic medical history and physical examination are to be conducted **every five years**. In those years in which a Periodic exam is not scheduled, an Annual exam is to be completed by the firefighter. Every year, therefore, the appropriate form is to be completed and reviewed prior to scheduling an arduous duty performance test (currently the ‘pack test’.)

Incumbents for permanent/career seasonal/term positions, 45 years or older

Post Baseline examination, a Periodic medical history and physical examination will be conducted **every three years**. In those years in which a Periodic exam is not scheduled, an Annual exam is to be completed by the firefighter. Every year, therefore, the appropriate form is to be completed and reviewed prior to scheduling an arduous duty performance test (currently the “pack test”).

Applicants for temporary seasonal hire positions

Applicants will receive the Annual exam every year until 45 years of age. At age

45 the temporary seasonal hire applicant will receive a Periodic exam, then again every 3 years thereafter. In the interim years, the applicant will receive the Annual exam.

AD/EFFs (emergency hires)

Under age 45 and at Agency discretion when indicated by the Health Screening Questionnaire, the emergency hire may receive the Annual exam. Once reaching age 45, the emergency hire will receive the Annual exam every year.

There are factors that may make a conventional medical examination impractical. The lack of adequate medical services, the distance from the employee residence/duty station to appropriate medical facilities, time sensitive hiring processes (especially during periods of “fire emergencies”), all create situations where the agencies may need to gather medical information within a limited timeframe. In these situations, the “Annual Medical History and Clearance Form” may be used prior to scheduling an arduous duty performance test. Agencies may individually or collectively agree upon the terms and conditions of the use of this method. The Medical Standards Team cannot recommend the “Annual Medical History and Clearance Form” as a substitute for a scheduled medical examination/interim medical history program, but recognizing the logistics of hiring numerous firefighters in compressed timeframes and under difficult logistical circumstances, we feel that this form is the closest to a comparable substitute that we can provide.

MEDICAL STANDARDS EVALUATION PROCESS

QUICK REFERENCE CHART

MEDICAL STANDARDS EVALUATION PROCESS The following chart is presented to summarize the requirements for firefighters who perform in arduous firefighter situations.	Incumbent/ Applicant (permanent positions) < 45 years of age	Incumbent/ Applicant (permanent positions) ≥ 45 years of age	Temporary Seasonal Hires < 45 years of age	Temporary Seasonal Hires ≥ 45 years of age	AD/EFF positions < 45 years of age	AD/EFF positions ≥ 45 years of age
Medical Clearance/Surveillance Examination (<i>Baseline</i>)	Yes - initial	Yes - initial	No	No	No	No
Medical Clearance/Surveillance Examination (<i>Periodic</i>)	Every 5 yrs	Every 3 yrs	No	Every 3 yrs	No	No
Annual Medical History and Screening (given on years that no examination is scheduled)	Yes	Yes	Yes	Yes	Yes, when indicated by the HSQ	Yes
Medical Clearance/Surveillance Examination (<i>Exit</i>)	Yes - for incumbents only	Yes for incumbents only	No	No	No	No

Medical Standards

Medical standards were developed and validated by on-site visits to wildland and prescribed fire operations. The written and validated medical standards, including the medical examination elements, are shown in the medical standards section. These standards include the statement of medical fitness for the physiological element as well as a list of potentially disqualifying factors for use by the examining physician/CMC/MRO. Please note that the medical standard is a technical document designed for use by a medical provider and is subject to a case-by-case individualized assessment. The sample conditions listed in the individual standards should not be considered as automatic disqualifications but rather as typical conditions that may be of concern to the medical professional for safety or efficient job performance reasons.

Medical Examination and Forms

A consistent set of medical examination criteria, a medical examination form, and an annual medical history and clearance form were developed to provide uniform tools for agencies to use in the administration of the medical program. This allows for the comprehensive collection of medical data important to the determination of medical fitness for firefighter duties.

Baseline Exam: The baseline (or initial) exam is focused on the medical requirements to perform arduous firefighter duties and is more comprehensive than the periodic exams to allow for the collection of adequate information.

Periodic Exam: A focused periodic medical examination is to be conducted every five years on incumbent firefighters until they reach the 45 years of age. At age 45, the periodic medical examination is to be conducted every 3 years. Temporary seasonal hire firefighters will receive a Periodic exam after age 45 then every 3 years.

Exit Exam: The exit exam is performed when an incumbent terminates federal service as an arduous duty wildland firefighter.

Baseline/Periodic/Exit Medical Examination Form: The “Federal Interagency Medical History, Examination and Clearance” form is used, with some differences, for baseline, periodic, and exit medical examinations. The self-disclosure areas of the medical examination form are completed by the firefighter prior to the examination. The examining physician completes the medical information sections and standards review during the course of the medical examination. The examining physician forwards the completed medical examination form to the agency designated nationwide medical provider for review and clearance determination.

Annual Medical History and Clearance Form: An obligatory annual medical history questionnaire is required in those years when a Periodic examination is not scheduled for incumbents, every year under 45 years of age and interim Periodic examination years for temporary seasonal hire applicants, and at Agency discretion for emergency hire firefighters. This “Federal Interagency Annual Medical History and Clearance” form will be reviewed by a physician or an allied medical care provider (e.g. registered nurse, nurse practitioner, or physician’s assistant). The form is then submitted to the agency

designated nationwide medical provider for Quality Assurance/Quality Control review and storage.

Qualification Review Process

The medical documents are reviewed in order for management to make a medical qualification decision. The medical qualification decision process is the same for all arduous duty wildland firefighters enrolled in the program. However, there are factors that may make a conventional medical examination impractical (i.e. lack of availability of medical services, the distance from the employee residence to appropriate medical facilities, time-sensitive hiring processes, etc.).

Baseline Examination

Applicants for and incumbents in permanent arduous duty wildland firefighter positions, will receive a Baseline medical examination by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination. This examination is mandatory. The examination will be completed, reviewed, and a medical determination rendered before the employee can perform arduous wildland firefighting duties. In the event that arduous wildland firefighting is a job requirement (e.g. essential job function), and the individual is a new hire, then the medical examination and clearance must be completed and reviewed after a formal job offer is tendered, but before the individual is hired. When the results of the examination are received, there is a decision resulting in a "GO - NO GO".

"GO" Decision - A "GO" decision means the individual is medically qualified, and they proceed to the next step in the process, usually the agency administered "work capacity test" and then into mandatory training and ultimately into unrestricted duty as an arduous duty wildland firefighter.

"NO GO" Decision - In those limited situations where an applicant/incumbent has a medical condition that may preclude safe and efficient job performance, a second level of review may be used, depending upon employment status or past experience, to consider the specific aspects of the applicant/incumbent's medical condition and the need for follow-up information from the applicant's medical care provider(s). The CMC may request that the applicant/employee provide additional information from their personal physician (at the applicant/ incumbent's expense) to put the medical condition in perspective with the expected conditions of employment. The CMC will then make a medical determination concerning clearance for arduous wildland firefighting duties and report the findings of this review to the Program Specialist. For applicants and incumbents, if clearance is not granted, the Waiver/Accommodation (W/A) and Interagency Medical Review Board (IMRB) process is initiated. The Program Manager or Program Specialist may, in turn, review the materials for completeness and forward the case to the Medical Review Officer (MRO) for review and recommendation(s). Either or both the CMC and MRO will prepare a summary of medical findings, and if applicable recommendation(s), which will be evaluated through the W/A and IMRB process in determining whether any waiver, waiver with restriction(s), or waiver with reasonable accommodation(s) is feasible for the position in question. If no waiver or reasonable accommodation can be made that is consistent with safe and efficient job performance, then the individual is not medically qualified to perform as an arduous duty

wildland firefighter. In the case of an applicant for a position, temporary or permanent, the agency is under no legal mandate to waive/accommodate the medical condition identified through the medical qualification standards program.

It is the applicant/incumbent's responsibility to request, then furnish documentation, for Agency review and determination as a qualified disabled individual under the ADA/Rehab Act. Failure to request a waiver with accommodation(s) during the first level (local) W/A process (i.e. waiver or waiver with restriction(s) is requested) precludes the applicant/incumbent from requesting a waiver with accommodation(s) at the IMRB (review) level.

An applicant/incumbent may submit additional medical information in an effort to become cleared for arduous duty. Additional medical information which results in a medical qualification without restrictions (i.e. "Cleared" status) supplants the W/A and IRMB process.

Periodic Medical Examination

Incumbent permanent arduous duty wildland firefighters will receive a Periodic medical examination and clearance by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination **every five (5) years, until the age of 45, and thereafter every three (3) years.**

Applicants for temporary seasonal hire arduous duty wildland firefighter positions will receive a Periodic examination and clearance by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination **once their age is greater than 45 years and thereafter every three years.**

This examination is mandatory. The examination will be completed and reviewed before the employee can perform arduous wildland firefighting duties. When the results of the examination are reviewed, there is a decision resulting in a "GO - NO GO".

"GO" Decision - A "GO" decision means the individual is medically qualified, and they proceed to the next step in the qualification process, usually the agency administered "work capacity test" and then into unrestricted duty as an arduous duty wildland firefighter.

"NO GO" Decision - In those limited situations where an applicant/incumbent has a medical condition that may preclude safe and efficient job performance, a second level of review may be used, depending upon employment status or past experience, to consider the specific aspects of the applicant/incumbent's medical condition and the need for follow-up information from the applicant's medical care provider(s). The CMC may request that the applicant/incumbent provide additional information from their personal physician (at the applicant/incumbent's expense) to put the medical condition in perspective with the expected conditions of employment. The CMC will then make a medical determination concerning clearance for arduous wildland firefighting duties and report the findings of this review to the Program Specialist. For applicants and incumbents, if clearance is not granted, the W/A and IMRB process is initiated. The

Program Manager or Program Specialist may, in turn, review the materials for completeness and forward the case to the MRO for review and recommendation(s). Either or both the CMC and MRO will prepare a summary of medical findings, and if applicable recommendation(s), which will be evaluated through the W/A and IMRB process in determining whether any waiver, waiver with restriction(s), or waiver with reasonable accommodation(s) is feasible for the position in question. If no waiver or reasonable accommodation can be made that is consistent with safe and efficient job performance, then the individual is not medically qualified to perform as an arduous duty wildland firefighter. In the case of an applicant for a position, the agency is under no legal mandate to waive/accommodate the medical condition identified through the medical qualification standards program.

It is the applicant/incumbent's responsibility to request, then furnish documentation, for Agency review and determination as a qualified disabled individual under the ADA/Rehab Act. Failure to request a waiver with accommodation(s) during the first level (local) W/A process (i.e. waiver or waiver with restriction(s) is requested) precludes the applicant/incumbent from requesting a waiver with accommodation(s) at the IMRB (review) level.

An applicant/incumbent may submit additional medical information in an effort to become cleared for duty. Additional medical information which results in a medical qualification without restrictions (i.e. "Cleared" status) supplants the W/A and IRMB process.

Annual Medical History and Screening

Incumbent permanent arduous duty wildland firefighters will receive an Annual medical examination and clearance by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination in interim years post-Baseline exam when a Periodic exam is not performed.

Applicants for temporary seasonal hire arduous duty wildland firefighter positions will receive an Annual medical examination and clearance by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination every year until 45 years of age, then interim years when a Periodic exam is not performed.

At Agency discretion, when indicated by the Health Screen Questionnaire, an AD/EFF may receive an Annual medical examination and clearance by an agency funded health care professional familiar with physical examination procedures and licensed to conduct a physical examination.

This examination is mandatory. The examination will be completed and reviewed before the employee can perform arduous wildland firefighting duties. When the results of the examination are reviewed, there is a decision resulting in a "GO - NO GO".

"GO" Decision - A "GO" decision by the Licensed Health Care Professional (LHCP) means the individual is medically qualified, and they proceed to the next step in the

qualification process, usually the agency administered "work capacity test" and then into unrestricted duty as an arduous wildland firefighter.

"NO GO" Decision

For **Incumbents**: In those limited situations where an incumbent has a medical condition that may preclude safe and efficient job performance, a second level of review may be used, depending upon employment status or past experience, to consider the specific aspects of the incumbent's medical condition and the need for follow-up information from the incumbent's medical care provider(s). The CMC may request that the incumbent provide additional information from their personal physician (at the incumbent's expense) to put the medical condition in perspective with the expected conditions of employment. The CMC will then make a medical determination concerning clearance for arduous wildland firefighting duties and report the findings of this review to the Program Specialist. If clearance is not granted, the W/A and IMRB process is initiated. The Program Manager or Program Specialist may, in turn, review the materials for completeness and forward the case to the MRO for review and recommendations. Either or both the CMC and MRO will prepare a summary of medical findings, and if applicable recommendation(s), which will be evaluated through the W/A and IMRB process in determining whether any waiver, waiver with restriction(s), or waiver with reasonable accommodation(s) is feasible for the position in question. If no waiver or reasonable accommodation can be made that is consistent with safe and efficient job performance, then the individual is not medically qualified to perform as an arduous duty wildland firefighter.

An incumbent may submit additional medical information in an effort to become cleared for duty. Additional medical information which results in a medical qualification without restrictions (i.e. "Cleared" status) supplants the W/A and IRMB process.

For **Applicants**: In those limited situations where an applicant has a medical condition that may preclude safe and efficient job performance, a second level of review may be used, depending upon employment status or past experience, to consider the specific aspects of the applicant's medical condition and the need for follow-up information from the applicant's medical care provider(s). The CMC may request that the applicant provide additional information from their personal physician (at the applicant's expense) to put the medical condition in perspective with the expected conditions of employment. The CMC will then make a medical determination concerning clearance for arduous wildland firefighting duties and report the findings of this review to the Program Specialist. If clearance is not granted, the W/A and IMRB process is initiated. The Program Manager or Program Specialist may, in turn, review the materials for completeness and forward the case to the MRO for review and recommendations. Either or both the CMC and MRO will prepare a summary of medical findings, and if applicable recommendation(s), which will be evaluated through the W/A and IMRB process in determining whether any waiver, waiver with restriction(s), or waiver with reasonable accommodation(s) is feasible for the position in question. If no waiver

or reasonable accommodation can be made that is consistent with safe and efficient job performance, then the individual is not medically qualified to perform as an arduous duty wildland firefighter.

In the case of an applicant for a temporary seasonal hire position, the agency will probably withdraw the job offer, as the time required to complete the medical review will preclude the applicant from participating in the current year's program. An applicant may submit additional medical information in an effort to become cleared for duty. Additional medical information which results in a medical qualification without restrictions (i.e. "Cleared" status) supplants the W/A and IRMB process.

It is the applicant/incumbent's responsibility to request, then furnish documentation, for Agency review and determination as a qualified disabled individual under the ADA/Rehab Act. Failure to request a waiver with accommodation(s) during the first level (local) W/A process (i.e. waiver or waiver with restriction(s) is requested) precludes the applicant/incumbent from requesting a waiver with accommodation(s) at the IMRB (review) level.

For AD/EFFs: In those limited situations where an emergency hire has a medical condition that may preclude safe and efficient job performance, a second level of review may be used, depending upon employment status or past experience, to consider the specific aspects of the applicant's medical condition and the need for follow-up information from the applicant's medical care provider(s). The CMC may request that the emergency hire provide additional information from their personal physician (at the emergency hire's expense) to put the medical condition in perspective with the expected conditions of employment. The CMC will then make a medical determination concerning clearance for arduous wildland firefighting duties and report the findings of this review to the Program Specialist. If clearance is not granted, at the Agency's discretion based upon resource need, the W/A and IMRB process may be initiated. The Program Manager or Program Specialist may, in turn, review the materials for completeness and forward the case to the MRO for review and recommendations. Either or both the CMC and MRO may prepare a summary of medical findings, and if applicable recommendation(s), which will be evaluated through the W/A and IMRB process in determining whether any waiver, waiver with restriction(s), or waiver with reasonable accommodation(s) is feasible for the position in question. If no waiver or reasonable accommodation can be made that is consistent with safe and efficient job performance, then the individual is not medically qualified to perform as an arduous duty wildland firefighter.

An emergency hire may submit additional medical information in an effort to become cleared for duty. Additional medical information which results in a medical qualification without restrictions (i.e. "Cleared" status) supplants the W/A and IRMB process.

It is the emergency hire's responsibility to request, then furnish documentation, for Agency review and determination as a qualified disabled individual under the

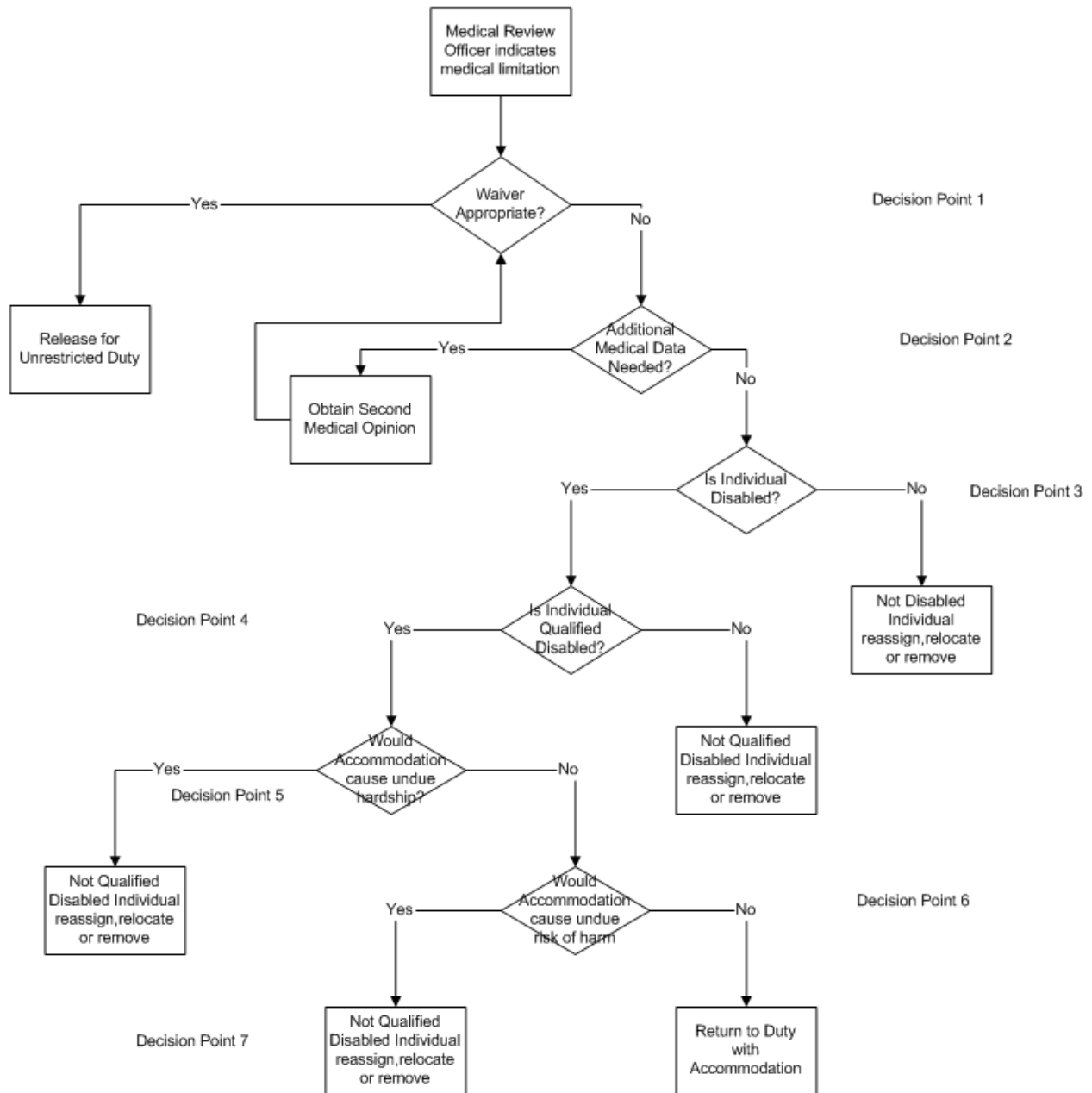
ADA/Rehab Act. Failure to request a waiver with accommodation(s) during the first level (local) W/A process (i.e. waiver or waiver with restriction(s) is requested) precludes the applicant/incumbent from requesting a waiver with accommodation(s) at the IMRB (review) level.

Administrative procedures - The medical examination program uses, minimally, a two-tiered approach to the medical process. The first tier is the medical examination and clearance; a firefighter receives a medical examination by a qualified medical provider according to a specific preset examination protocol. This examination includes an initial assessment of medical fitness by the examining physician. For Baseline, Periodic, and Exit examinations, medical qualification determinations are rendered by the CMC. For the Annual examination, medical qualification determinations are rendered by the LHCP whose decision is quality assurance/quality controlled in a formal CMC review process. In cases where the LHCP questions the medical fitness of the firefighter to perform the full range of duties of the position, the case is referred to a CMC/MRO for an automatic second tier review. The CMC/MRO then renders a medical qualification determination on the medical fitness of the firefighter. All pertinent information is provided to the CMC/MRO to allow meaningful determinations to be made, including but not limited to: the medical history, the results of the physical exam, a description of critical job duties, potential exposures, and any information about known exposures. In addition, the CMC/MRO should be told of any occupational illnesses which could affect the screening of individual workers. The CMC/MRO may request supplementary information through the medical review process from the individual's personal care physician, at the firefighter's expense.

The most important characteristic of the two-tiered medical approach is that the examining physician concentrates on the patient examination and initial assessment of medical fitness, and the CMC/MRO concentrates on the relationship between the medical data provided by the examining physician and the known characteristics of the job.

Waiver/Accommodation Procedures - This program delineates a formal administrative procedure, consistent with the requirements of the Rehabilitation Act of 1973 as amended, for agencies to use when an individual fails to qualify medically for the position of arduous duty wildland firefighter. This procedure includes the consideration of medical waivers and reasonable accommodation. If the CMC/MRO renders a not medically qualified determination, then the W/A and IMRB procedures shall be used in a fair and consistent manner to guide management in the disposition of the case. A flowchart delineating the steps and decision points for the W/A and IMRB process is provided on page 15. A narrative discussion of the decision points is also provided beginning on page 16.

Waiver/Accommodation Flowchart



Waiver/Accommodation Flowchart Narrative

Decision Point One - Waivers. Can the employee perform the essential functions of their position without accommodation and without endangering the safety or health of themselves or others?

The agency must waive a medical standard if an employee has consistently demonstrated the ability to perform his/her job in a satisfactory manner without an undue risk of harm to themselves or others. If a waiver or waiver with restriction(s) is afforded by the W/A and IMRB process, and granted by management, then the employee can return to arduous duty. Waivers and waivers with restriction(s) are valid until evidence arises indicating that the condition has changed or other mitigating factors are noted in the waiver document.

Decision Point Two - Additional Medical Opinions. Is there a disagreement on the nature of the medical condition or diagnosis and its effect on the employee's capability?

If an employee fails to meet the medical qualification requirements, is not granted a waiver or waiver with restriction(s), and has a personal (non-occupationally induced) medical condition, an employee may obtain at their option another examination by a physician of choice at the employee's expense. If the medical condition is occupationally related then the medical examination, limited to the area of disqualification, will be paid for by the agency and will be conducted on official time. If there is still a disagreement about the condition, a third physician (acceptable to both the agency and the applicant or employee) will be consulted. Medical information provided by an employee's physician of choice, at the employee's own expense will be reviewed by the CMC and appropriately considered in the W/A and IMRB process. The applicant/incumbent will be allowed sufficient time predicated upon the need for the resource (i.e. 30 days for permanent positions, 5 days for temporary seasonal hires) from the notice of failure to meet the physical qualifications, to provide this information to the agency.

Decision Point Three - Disability Determination. Does the medical condition result in an impairment of a major life function (including work)?

The Rehabilitation Act of 1973, as amended, prohibits employment discrimination against people with disabilities, and requires employers to hire (and retain) individuals who, with or without the disability, would otherwise be qualified for the job. In doing so, the employer is required to provide "reasonable accommodation" to individuals with disabilities. The first determination to be made in considering accommodation of the potentially medically disqualified individual is whether the medical condition affords the individual "qualified disabled" status. To make this determination, management must decide based upon information submitted from the individual, with input from the W/A and IMRB process, whether the condition(s) result(s) in an impairment of a major life function (including work). In the case of the major life function of working, management must determine if the potentially disabled individual is substantially restricted from working in either a class of jobs or a broad range of jobs in various classes compared to the average person in a comparable situation. If management determines that an individual is not disabled then the agency is under no obligation to accommodate the individual.

Decision Point Four - Qualified Disability Determination. Can the individual perform the essential functions of the job with or without accommodation?

If the potentially disqualified individual is considered a “qualified disabled individual” in the previous determination, then it is the individual’s responsibility to suggest an accommodation(s) to management that will allow the individual to perform the essential functions of their position.

If there are no accommodation(s) suggested by the individual, then the individual cannot perform the essential functions of their position with or without accommodation; and the agency is under no obligation to accommodate the individual. It is important for the agency and individual to initiate a dialog so that all possible avenues of accommodation can be evaluated.

Decision Point Five - Undue Hardship Determination. Would accommodation cause undue hardship for the agency?

If the potentially disqualified individual has suggested an accommodation that would allow them to perform the essential functions of their position, then management must determine whether this accommodation would cause undue hardship to the agency. This undue hardship could be in the form of excess or unaffordable cost, or excessive or unacceptable loss of efficiency. If management determines that an accommodation would cause an undue hardship, then the agency is under no obligation to accommodate the individual.

Decision Point Six - Health and Safety. Would accommodation result in an undue risk of harm to the individual or others?

If the potentially disqualified individual has suggested an accommodation that would allow them to perform the essential functions of their position without undue hardship to the agency, then management must determine whether this accommodation would result in an undue risk of harm to the individual or others. This excessive safety or health risk could be in the form of potential sudden or subtle incapacitation while on the job, potential reaction(s) to medication(s) or other concerns. If management determines that an individual cannot be accommodated without undue risk of harm to themselves or others, then the agency is under no obligation to accommodate the individual.

Decision Point Seven - Other Options. After consideration of all available options for accommodating the medically disqualified individual at their present position, the Agency’s Human Resource Office may also evaluate other positions, locations, or alternatives identified by management. All of these options will be considered, and those that provide an acceptable outcome in term of medical risk management will be forwarded for management consideration.