

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4339.1
REVISION 1

9/18/85

MEDICAL DETERMINATIONS RELATING TO EMPLOYMENT

I. PURPOSE

This Directive establishes procedures for obtaining medical information relevant to personnel management decisions.

II. CANCELLATION

Cancels FSQS Directive 4339.1, dated 1/10/79.

III. REASON FOR REISSUANCE

This Directive is reissued to incorporate new OPM regulations which:

A. Focus on the proper collection and use of medical examinations for making appropriate and defensible decisions involving:

1. Leave management.
2. Disability retirement.
3. Personnel actions based on deficient performance, conduct, or attendance.
4. Reassignment of injured or other qualified handicapped employees requiring reasonable accommodation.

B. Establish procedures to use when considering medical conditions raised by an employee in connection with an action for unacceptable performance or adverse action.

IV. REFERENCES

- FSIS Directive 4293.1, Personnel Records
- FSIS Directive 4306.1, Employment of the Handicapped, Including Disabled Veterans
- FSIS Directive 4339.2, Medical Examination for Employees Exposed to Hazardous Employment Conditions
- FSIS Directive 4353.1, Restoration to Duty]+

+ [FSIS Directive 4792.3, Employee Assistance Program
29 CFR 1613.704, Reasonable Accommodation

V. **FORMS AND ABBREVIATIONS**

The following will appear in their shortened form in this Directive:

OPM	Office of Personnel Management
OWCP	Office of Worker's Compensation Programs
SPO	Servicing Personnel Office

VI. **RESPONSIBILITIES**

A. **Personnel Division** (includes SPO's in Washington, D.C. and Minneapolis, Minnesota) will:

1. Have sole authority to order or offer medical examinations.
2. Consider any medical evidence presented by an employee with a request for a benefit or special treatment arising from a medical condition or offered as mitigation in any action for unacceptable performance or adverse action.
3. Provide reasonable accommodation, to the extent possible, to qualified handicapped persons, pursuant to 29 CFR 1613.704.

B. **Employees** will:

1. Provide SPO with acceptable evidence concerning any medical condition for which a benefit or special consideration is requested.
2. Submit to any Agency ordered medical examination.

C. **Supervisory officials** will:

1. Document employee performance, and
2. Counsel employees having perceived medical problems which may contribute to performance or conduct deficiencies. (Also see FSIS Directive 4792.3.)

VII. **MEDICAL DETERMINATIONS**

A. **At Individual's Request.** An individual requesting a benefit or special consideration (e.g. change in duty status, assignment, or working condition (including reemployment on the basis of full or partial recovery from a medical condition)) must furnish appropriate medical documentation to support the request. If the medical documentation is inadequate to support a determination:]+

+1. The employee may be asked to provide additional documentation; or

2. Personnel Division may offer a medical examination by a designated physician if verification of the clinical findings or current clinical status is needed. Refusal to provide requested documentation or to submit to medical examination could result in the denial of the benefit or consideration requested.

B. Job Related.

1. An employee occupying a position which has physical/medical standards for selection or retention, or which is part of an established program of medical surveillance related to occupational or environmental exposure or demands (see FSIS Directive 4339.2) may be ordered to submit to medical evaluation:

a. Before reappointment or selection from another position. (This does not apply to routine preemployment medical examinations. A preemployment physical examination is an applicant's responsibility; to be obtained at the applicant's expense.)

b. On a regular recurring, periodic basis.

c. When the employee's continued capacity to meet the physical or medical requirements of the position is questioned.

2. An employee released from his/her competitive level and reassigned to a position which requires specific physical capacities to perform duties of the new position may be required to undergo medical evaluation.

C. Limited Duty/Worker's Compensation Benefit.

1. The SPO may order an employee to report for medical evaluation when:

a. The employee is receiving worker's compensation benefits or is assigned to limited duties as a result of an on-the-job injury; and

b. An assignment or position is identified which the SPO or the Department's Medical Officer believes the employee can perform.

2. If medical information indicates that the employee is capable of performing the identified duties, the Agency will promptly return the employee to applicable duty and pay status. (See FSIS Directive 4353.1.)]+

+VIII. EXAMINATION PROCEDURES

A. An order or offer for medical examination shall be in writing and will include the reason(s) for the examination and the possible consequences of noncompliance.

B. The SPO designates the examining physician when an employee is ordered for a medical examination. The employee or former employee is given an opportunity to submit medical documentation from his/her personal physician. The SPO will provide the examining physician with:

1. A copy of any approved medical evaluation documents (see Attachment 1).
2. Any standards and requirements for the position.
3. A detailed description of the duties including:
 - a. Critical elements.
 - b. Physical demands.
 - c. Environmental factors.

C. Psychiatric examinations will not be ordered unless:

a. The employee provides results of a general medical or psychiatric examination or the Agency has conducted a nonpsychiatric examination; and

b. The Department's Medical Officer believes that a psychiatric evaluation is warranted. Psychiatric evaluations normally consist of more than one interview with the employee and include psychological testing.

D. A medical specialist will conduct all medical specialty examinations ordered or offered.

IX. EXAMINATION COSTS

A. **FSIS pays** for all required examinations conducted by an FSIS designated physician. Employees in an official duty status are authorized official time and transportation costs for FSIS-ordered examinations.

B. **Employees or applicants pay** for all costs associated with any medical examinations conducted by a private physician of their own choosing. Employees who are otherwise in duty status are entitled to sick leave for this purpose.]+

+ [X. **DOCUMENTING MEDICAL CONDITIONS CONTRIBUTING TO UNACCEPTABLE PERFORMANCE OR CONDUCT**

A. **Unacceptable Performance Problem.** An employee alleging that a medical condition has contributed to an unacceptable performance problem, will be given a reasonable amount of time to furnish medical documentation of the condition.

1. Such documentation may be presented to FSIS at any time. However, it should be furnished when FSIS offers the employee an opportunity to demonstrate acceptable performance

2. Medical documentation submitted after a reduction-in-grade or removal has been proposed must be furnished within the time limits allowed for reply.

3. If medical documentation furnished by an individual is inadequate to make a determination, the employee may be asked to provide additional documentation to support the request.

4. The SPO may offer a medical examination after reviewing the medical documentation provided by the employee, for verification purposes.

B. **A Conduct or Leave Problem.** An employee alleging that a medical condition has contributed to a conduct or leave problem, will be given a reasonable time to furnish medical documentation of the condition. Conditions outlined in subparagraph A. 3. and 4. also apply.

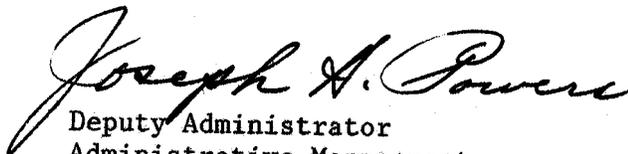
C. **Application for Disability Retirement.** An employee's application for disability retirement will not preclude or delay any other appropriate personnel action by FSIS.

D. **Reasonable Accommodation.** The Agency will make every effort to reasonably accommodate qualified handicapped employees. Supervisors of employees who are unable to perform their duties because of a medical condition will contact Selective Placement Coordinator, following procedures outline in FSIS Directive 4306.1.

XI. **RECORDS AND REPORTS**

A. All records of medical examinations will be maintained following standard record keeping procedures. (See FSIS Directive 4293.1.)]+

*[B. The SPO forwards to OWCP a copy of all medical documentation and reports of examination of individuals receiving or applying for injury compensation benefits, including continuation of pay. The SPO also reports to OWCP the failure of such an individual to report for an FSIS medical examination.


Deputy Administrator
Administrative Management

Attachment 1, Documenting a Medical Condition]+

+ [DOCUMENTING A MEDICAL CONDITION

The following information will normally be required for documentation of any medical condition. The actual information requested may vary somewhat depending on the employee or applicant's position, the benefit or consideration requested, and/or the medical condition in question.

1. The history of the specific medical condition(s), including references to findings from previous examinations, treatment, and responses to treatment.
2. Clinical findings from the most recent medical evaluation, including any of the following which have been obtained:
 - a. Findings of physical examination.
 - b. Results of laboratory tests.
 - c. X-rays, EKG's, and other special evaluations or diagnostic procedures.
 - d. For psychiatric disease, the findings of a mental status examination and the results of psychological tests.
3. Assessment of the current clinical status and plans for future treatment.
4. Diagnosis.
5. An estimate of the expected date of full or partial recovery.
6. An explanation of the impact of the medical condition on life activities both on and off the job.
7. Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized.
8. Narrative explanation of the medical basis for any conclusion which indicates the likelihood that the individual is, or is not, expected to experience sudden or subtle incapacitation as a result of the medical condition.
9. Narrative explanation of the medical basis for any conclusion that duty restrictions or accommodations are or are not warranted and, if they are, an explanation of their therapeutic or risk avoiding value and the nature of any similar restrictions or accommodations recommended on non-work-related activities.]+

+ [10. Narrative explanations of the medical basis for any conclusion which indicates the likelihood that the individual is, or is not, expected to suffer injury or harm by carrying out, with or without accommodation, the task or duties of a position for which he/she is assigned or qualified.] +