DEPARTMENT OF CORRECTIONS

Policy Number:	**103.016**
Title:	**Pre-Placement Medical Exam and Evaluation**
Effective Date:	**1/12/22**

PURPOSE: To ensure all finalists are capable of performing the essential job functions. Exam components in this policy are conducted to support workplace productivity, safety, and security by ensuring finalists are physically and/or psychologically suitable for the job being considered.

APPLICABILITY: Finalists for Minnesota Department of Corrections (DOC) jobs requiring medical examination(s) and evaluation(s).

DEFINITIONS:

ADA Coordinator – consistent with DOC Policy 103.310, "Reasonable Accommodation," the regional human resources director (RHRD) serves as the ADA coordinator.

Bona fide occupational qualification (BFOQ) – attributes or requirements for the job which are legal exceptions to the general prohibition of discrimination.

Conditional job offer – an offer of employment contingent on successful completion of specific job requirements.

Finalist(s) – the top applicant(s) for a vacant position who may be required to meet one or more of the medical examination(s) and evaluation(s) components. All medical examination(s) and evaluation(s) components are bona fide occupational qualifications.

Medical consultant (MC) – a qualified medical practitioner who reviews the finalist's medical examination results from the occupational health clinic and compares the information to the physical demands analysis for the classification in which the finalist has a conditional job offer. The MC makes a determination as to whether the finalist is medically recommended for the job.

Occupational health clinic – a department-contracted occupational health clinic.

Physical demands analysis (PDA) – a standardized analysis to quantify and evaluate the physical and environmental demand components of a job.

Physical exam – a thorough medical examination performed by a licensed physician to determine the finalist's ability to perform the essential job functions.

Pre-placement – after a conditional job offer has been made but prior to starting the finalist in a job.

PROCEDURES:

A. Determination of the essential functions of the job – All job classifications must have a physical demands analysis (PDA)
   1. All job classifications must have a location-specific physical demands analysis (PDA).

a) Safety administrators and regional human resources (HR) staff must ensure that a PDA is established for each job classification at their work location and that it is reviewed as needed.

b) The hiring supervisor must provide input to PDAs of job classifications they supervise. If physical demands change, the hiring supervisor must notify the safety administrator or regional HR staff, who will update the PDA, if necessary.

c) Regional HR staff must post the location-specific PDA on iShare.

d) The staffing representative must reference the availability of the PDA in the internal job postings and the state careers website announcements.

2. Fugitive specialists (licensed peace officers – see Procedure C, below) require a physical examination and evaluation.

3. Job classifications that require a commercial driver's license (CDL) require a drug test. (See Policy 103.041, "Commercial Driver's License.")

4. Job classifications that require a tuberculosis/Mantoux test.
See Policy 105.180, "Tuberculosis Control for Applicants, Employees, Contractors, Volunteers, and Students."

5. Job classifications that require the use of a respirator.
Finalists for classifications listed in Policy 105.115, "Respiratory Protection Program," must undergo a respirator medical examination.

B. Completion of medical examination(s) and evaluation(s):

1. All applicants must successfully pass the required medical examination(s) and evaluation(s) that may include physical exam, psychological exam, CDL drug test, tuberculosis screening, and respirator medical evaluation to meet all job qualifications.

2. Medical examination(s) and evaluation(s) for jobs with essential functions requiring one or more of the possible exam components may require a conditional job offer until the employer receives confirmation that the finalist passed all required exam components. The DOC may ask whether and how the finalist is able to perform specific job functions. The DOC may not ask a finalist to answer medical questions or take a medical examination before making a conditional job offer. Physical demands analyses are available upon request.

3. The hiring supervisor extends a conditional job offer to the finalist, which includes information on the required medical examination(s) and evaluation(s). If the finalist accepts the conditional job offer, the hiring supervisor must notify the staffing representative to coordinate the required medical examination(s) and evaluation(s).

a) If medical examination(s) and evaluation(s) are required, the transactions aide instructs the finalist to schedule an appointment with the occupational health clinic within three business days. The transactions aide must provide the finalist with the PDA. The finalist must review and sign the PDA and return it to the transactions aide prior to the employment start date.

b) If no medical examinations or evaluations are required, the transactions aide must provide the finalist with the PDA. The finalist must review and sign the PDA and return it to the transactions aide prior to the employment start date. Exclusions to this procedure include movements between corrections officer job classifications (Corrections Officer 1, 2, and 3, and Corrections Canine Officers, bidding between posts at the same work location); junior/senior plan promotions; reallocations to a different job classification; and returns to a former position during the trial period allowable under collective bargaining agreements.

4. The PDA

a) The finalist must review, sign, and return the PDA to the transactions aide indicating one of the following:

(1) The finalist can meet the physical demands of the position without a reasonable accommodation; or

(2) The finalist can meet the physical demands of the position with a reasonable accommodation.

b) Based on the notification from the finalist:

(1) If the finalist indicates the finalist meets the physical demands of the position without a reasonable accommodation, the transactions aide must notify the finalist, the staffing representative, the hiring supervisor, and regional HR staff; or

(2) If the finalist indicates the finalist is able to meet the physical demands of the position with a reasonable accommodation, the transactions aide notifies the staffing representative who notifies the RHRD (acting as ADA coordinator) and provides the finalist's contact information.

(a) The RHRD contacts the finalist to discuss the possibility of a reasonable accommodation, in accordance with Policy 103.310, "Reasonable Accommodation," that would allow the finalist the ability to meet the essential job functions.

(b) If the finalist requests a reasonable accommodation, the RHRD and appointing authority must consider the request and discuss the possible alternatives with the finalist in accordance with Policy 103.310, "Reasonable Accommodation."

i) The RHRD makes a decision regarding the request for accommodation and, if the accommodation is approved, must take the necessary steps to ensure the accommodation is provided.

ii) If the accommodation cannot be provided, the RHRD must inform the finalist or the reason within a reasonable time period.

(c) If the finalist does not request a reasonable accommodation, the RHRD must notify the finalist, the staffing representative, and the hiring supervisor of the outcome.

(d) If the finalist wishes to appeal the decision, the finalist must contact the DOC affirmative action manager.

c) PDA results from finalists who are hired must be retained in the employee's medical file.

d) PDA results from finalists who are not hired must be retained by HR per the retention schedule.

5. The transactions aide sends an electronic authorization to the occupational health clinic indicating which medical examination(s) and evaluation(s) the finalist must complete.
   a) Physical exam
      Finalists for licensed peace officer jobs must undergo a physical exam. The physical exam components are based on Procedure D. of this policy.

   b) CDL drug test
      If the job requires a (CDL, the finalist must undergo a CDL drug test based on Policy 103.041, "Commercial Driver's License."

   c) Tuberculosis/Mantoux testing
      See Policy 105.180, "Tuberculosis Control for Applicants, Employees, Contractors, Volunteers, and Students."

   d) Respirator medical examination
      Finalists for jobs within classifications listed in Policy 105.115, **"**Respiratory Protection Program," must undergo a respirator medical evaluation.

   e) Psychological evaluation
      Finalists for licensed peace officer jobs must undergo a psychological evaluation based upon Procedure D of this policy.

6. Pre-placement medical examination(s) and evaluation(s) must be conducted at an occupational health clinic in compliance with all applicable rules and laws, including such examples as the Minnesota Government Data Practices Act (Minn. Stat., Ch. 13), the Minnesota Human Rights Act (Minn. Stat., Ch. 363A), Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), Genetic Information Nondiscrimination Act (GINA), and Health Insurance Portability and Accountability Act (HIPAA). Exam components are job-related and consistent with business necessity.

7. If the finalist does not appear for the finalist's appointment or other issues arise which prevent the timely completion of all medical examinations and evaluations, the occupational health clinic must notify the transactions aide.

8. The occupational health clinic evaluates the finalist by completing all required medical examinations and evaluations. The occupational health clinic submits all medical examinations and evaluations documentation to the medical consultant (MC). The MC may request further medical information from the finalist.

9. The MC must notify HR in writing that either:
   a) The finalist is medically recommended for the job; or

   b) The finalist is not medically recommended for the job. The MC must inform the RHRD if there is a reasonable accommodation that may address the finalist's limitations and allow the finalist to meet the essential functions of the job.

10. Based on the notification from the MC:

a) If the finalist is medically recommended for the job, the transactions aide must notify the finalist, the staffing representative, the hiring supervisor, and regional HR staff.

b) If the finalist is not medically recommended for the job, the RHRD contacts the staffing representative for the finalist's contact information.

(1) The RHRD (acting as ADA coordinator) contacts the finalist to discuss the possibility of a reasonable accommodation, in accordance with Policy 103.310, "Reasonable Accommodation," that would allow the finalist the ability to meet the essential job functions.

(2) If the finalist requests a reasonable accommodation, the RHRD and appointing authority must consider the request and discuss the possible alternatives with the finalist in accordance with Policy 103.310, "Reasonable Accommodation."

(a) The RHRD makes a decision regarding the request for accommodation and, if the accommodation is approved, must take the necessary steps to ensure the accommodation is provided.

(b) If the accommodation cannot be provided, the RHRD must inform the finalist of the reason within a reasonable time period.

(3) If the finalist does not request a reasonable accommodation, the RHRD must notify the finalist, the staffing representative, and the hiring supervisor of the outcome.

(4) If the finalist wishes to appeal the decision, the finalist must contact the DOC affirmative action manager.

11. Medical examination and evaluation results from a finalist who is hired must be retained in the employee's medical file.

12. Medical examination and evaluation results from finalists who are not hired must be retained by HR per the retention schedule.

C. Licensed peace officers

1. In accordance with Minn. Rules 6700.0700, all licensed peace officers must undergo the following pre-placement exam components:

a) Physical exam

A thorough medical examination of the finalist, by a licensed physician or surgeon at an occupational health clinic, to determine the finalist is free from any physical condition that might adversely affect the performance of peace officer duties. The finalist must pass a job-related examination of the finalist's physical strength and agility to demonstrate the possession of physical skills necessary to accomplish the duties and functions of a peace officer.

b) Psychological exam

An evaluation, including an oral interview, by a licensed psychologist contracted by the DOC, to determine the finalist is free from any emotional or mental condition that might adversely affect the performance of peace officer duties.

2. The chief law enforcement officer (corrections investigation manager) and HR must retain all exam results in accordance with state and federal data laws.

D. Reasonable accommodation / The Americans with Disabilities Act (ADA)

In accordance with the ADA, when a finalist requests a reasonable accommodation based on the results of the medical examination(s) and evaluation(s), the RHRD and appointing authority must review the request and respond in accordance with DOC Policy 103.310, "Reasonable Accommodation."

E. Movement to a classification requiring a pre-placement medical examination and evaluation

1. Current employees may not use work time to attend the pre-placement physical examination appointment.

2. DOC employees moving to a different work location within DOC in the same job classification are not required to undergo any additional medical examination or evaluation which includes respirator. CDL drug testing is an exception. (See Policy 103.041, "Commercial Driver's License.")

3. The regional HR staff is responsible for the timing and completion of DOC employee tuberculosis/Mantoux testing of staff who change work location or job classification. See DOC Policy 105.180, Tuberculosis Control for Applicants, Employees, Contractors, Volunteers, and Students."

4. State of Minnesota employees transferring to the DOC are treated as new employees under this policy.

5. Former DOC employees who are re-hired are treated as new employees under this policy.

6. Employees who are non-certified and return to a DOC position in their former job classification are not required to undergo any additional medical examination or evaluation which includes respirator test.

7. DOC employees who are recalled from layoff to a position in their former job classification are not required to undergo any additional medical examination or evaluation which includes physical exam, respirator, or drug test. Employees from other State of Minnesota agencies who are recalled from layoff are treated as new employees under this policy.

8. When a finalist who has successfully passed all pre-employment examinations for the job, turns down the offer of employment, and then subsequently is made an offer of employment for the same job classification, the finalist must repeat the pre-placement medical examination and evaluation components required if the subsequent offer of employment is more than 90 days from the date of the finalist being medically recommended.

F. Records

HR and the chief law enforcement officer must retain documentation in accordance with state and federal data laws.

INTERNAL CONTROLS:

A. Medical examination and evaluation results from finalists who are hired must be retained in the employee's medical file.

B. Medical examination and evaluation results from finalists who are not hired must be retained by HR per the retention schedule.

C. Medical examination and evaluation results from finalists for the licensed peace officer job classification must be retained by HR and the chief law enforcement officer in accordance with state and federal data laws.

ACA STANDARDS: 4-4062, 4-4063, 1-ABC-1C-06, 1-ABC-1C-09, 1-ABC-1C-13, 2-CO-1C-19, 2-CO-1C-20, 4-APPFS-3E-02

REFERENCES:
Policy 106.210, "Providing Access to and Protecting Government Data."
Policy 103.310, "Reasonable Accommodation."
Policy 105.180, "Tuberculosis Control for Applicants, Employees, Contractors, Volunteers, and Students."
Policy 103.240, "Return to Work Process"
Policy 301.155, "Emergency Response Team (ERT)/Special Operations Response Teams (SORT)/Communications Unit Leader (COML)."
Policy 105.170, "Bloodborne Pathogens."
Minn. Stat. § 626.84 (Peace Officer)
Minn. Stat. § 181.61 (Medical Examination; Records, costs)
Minn. R. 6700.0700, subpart 1(Peace Officer Selection Standards)
Policy 103.041, "Commercial Driver's License"
Policy 105.115, "Respiratory Protection Program"
Minn. Stat., Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat., Ch. 363A (Minnesota Human Rights Act)
Title VII of the Civil Rights Act
Americans with Disabilities Act (ADA)
Genetic Information Nondiscrimination Act (GINA)
Health Insurance Portability and Accountability Act (HIPAA)

REPLACES: Policy 103.016, "Pre-Placement Physical Exam and Drug Testing,"3/3/20.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Reintegration and Restorative Services
Deputy Commissioner, Facility Safety and Security
Assistant Commissioner, Organizational and Regulatory Services
Assistant Commissioner, Chief of Staff
Assistant Commissioner, Health, Recovery, and Programming