

## **Rule 116**

### **Medical Examinations**

Applicability: Rule 116 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

**Sec. 116.1**     **Requirement for Medical Examination of Appointees**

**Sec. 116.2**     **Medical Examination of Employees**

**Sec. 116.3**     **Effect of Medical Rejection**

**Sec. 116.4**     **Application for Re-Examination Following Medical Rejection**

**Sec. 116.5**     **Appeal of Medical Rejection Following Re-Examination**

**Sec. 116.6**     **Failure to Appeal**

## **Rule 116**

### **Medical Examinations**

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#### **Sec. 116.1**     **Requirement for Medical Examination of Appointees**

**116.1.1** Except as otherwise provided in these Rules, all civil service appointees shall be required to meet acceptable medical standards which may include passing a medical examination before a physician designated for such purpose by the Human Resources Director. The Human Resources Director, in consultation with the Director of Health and the General Manager of the Retirement System or designees, shall designate those appointees for whom a medical examination is required; provided, however, if requested by a recognized employee organization for appointees in classes under their respective jurisdictions, a medical examination shall be required.

**116.1.2** Persons who inexcusably fail to complete a required medical examination or fail to follow established procedures in reporting for medical examination shall be placed under waiver on all eligibility lists and shall have the appointment and/or certification canceled. Such waiver shall not be removed except with the special permission of the Human Resources Director. A second occurrence shall remove the name of the person from all eligible lists, and future employment shall require the express approval of the Human Resources Director.

#### **Sec. 116.2**     **Medical Examination of Employees**

**116.2.1** An appointing officer or authorized representative who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public or to the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.

**Sec. 116.1 Requirement for Medical Examination of Appointees (Cont.)**

**116.2.2** If the employee refuses or fails to obtain such physician's certificate or if as a result of a medical evaluation the employee is found not to be medically or physically competent, the appointing authority or authorized representative shall place the employee on compulsory sick leave under the leave provisions of these Rules and shall immediately report such action to the Human Resources Director. Return of the employee to duty and appeals of imposition of compulsory leave shall be as provided in this Rule for appealing medical rejections.

**Sec. 116.3 Effect of Medical Rejection**

1) Any person who fails to pass the medical examination shall be rejected and the rejection shall apply to any other class or position unless the medical standards pertaining to the class or position in question are different and the Human Resources Director approves.

2) The Human Resources Director, upon the advice of the medical examiners, is authorized to validate the appointment of a person with medically disqualifying conditions that are subject to correction within a reasonable time period, and order that the employment of such persons be subject to passing all medical requirements within five (5) months of the date of the first medical examination, or less time, if conditions warrant. Persons who fail to pass the medical examination within the approved time period shall be terminated.

3) The name of an eligible who is found to have a disqualifying medical defect that is not correctable shall be removed from all eligible lists unless the person has standing on a list or lists for which the medical standards are different and the Human Resources Director approves.

**Sec. 116.4 Application for Re-Examination Following Medical Rejection**

A person who has been medically rejected may present, within thirty (30) days of the notice of rejection, or the date of correction of the condition leading to rejection, medical evidence that the condition leading to rejection has been corrected, no longer exists, or did not in fact exist and may apply to the Human Resources Director for medical re-examination.

**Sec. 116.5**     **Appeal of Medical Rejection Following Re-Examination**

A person who has been medically rejected following re-examination may appeal the rejection to the Human Resources Director within ten (10) days of the date of the notice of rejection following medical re-examination. The Human Resources Director shall appoint a medical specialist not in the City and County service to conduct an evaluation and to report the findings. Subject to budgetary limitations, this evaluation shall be conducted at the cost of the City and County. If sufficient funds are not available, the evaluation shall be at the cost of the person appealing medical rejection. The decision of the medical specialist shall be final and no further appeal shall be allowed.

**Sec. 116.6**     **Failure to Appeal**

Failure to appeal within the appeal periods provided above shall constitute a waiver of appeal and shall cause all appeal rights for the rejection in question to be lost.