
Kern Community College District
Administrative Procedure
Chapter 7 – Human Resources

AP 7335 Health Examinations

References:

Government Code Section 12940;
42 U.S. Code Section 12112;
29 Code of Federal Regulations Part 1630

NOTE: This procedure is **legally advised**.

The District is committed to the development and maintenance of physical and mental health of all its employees. Accordingly, the District encourages physical and mental wellness activities on behalf of employees.

In order to assure that employees are physically capable of performing their assigned job responsibilities and task, the District requires that candidates in identified positions, as a condition of employment, under consideration to fill positions take and pass a pre-employment physical examination:

A candidate who is not physically capable of performing the requirements of the job will not be hired for the position. The physical examination will be provided at District expense.

Pre-Placement Physical Assessment Testing

The District Human Resources Office will coordinate all arrangements for pre-placement assessment testing with a provider, including communication on any follow-up resulting from an employee candidate's pre-placement physical assessment test.

Following is the procedure for arranging pre-placement physical assessment testing:

- 1) The District Human Resources Office will contact the employee candidate and send them for an assessment prior to hire.
- 2) The District Human Resources Office will receive results of the pre- placement physical assessment test.
- 3) The District will provide reasonable accommodation to applicants and employees in accordance with the ADA.

The primary purpose of the pre-placement physical is to provide a safe work environment for all District employees under the District's legal obligation. It results in a healthier employee population, improved morale, and may avoid unnecessary injuries. An offer of employment to the person selected for a position is contingent upon successful completion of a pre-placement physical exam at District expense. No candidate shall be required to participate in such an examination solely on the basis of the candidate's age or disability.

A candidate or employee must be able to do the essential job functions stated in the job description with or without accommodations. The Americans with Disabilities Act (ADA) requires that an individual with a disability is evaluated in relation to the job's essential job functions. An accommodation is any modification or adjustment to a job or work environment that will enable a qualified applicant, candidate, or employee with a disability to participate in the application process or perform essential job functions. These adjustments are made to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. The District will only look at the position the candidate was hired for and not for another position in the District for which the person may be suited.

Physical Examination of Employees

All candidates who have successfully completed the selection process and have been offered employment for regular positions and student workers shall be required to complete a pre-placement physical examination in order to determine their ability to perform the essential job functions.

Candidates will execute an authorization or release of medical information for this examination only after an offer of employment has been made (post-offer) and as a condition of employment. These examinations will be at the District's expense. Applicants for temporary positions designated as "high risk" or "moderate risk" may be required to complete a physical examination to determine their ability to perform the essential job functions without risk to themselves or others. Physical-agility testing for a high level of physical work may be included in the physical examination.

Campus Police officers are required under the Peace Officer Standards and Training (P.O.S.T.) to complete the Medical Examination Report (POST2-253), which will be more extensive and thorough than the pre-placement physical examination mentioned above.

Reasonable accommodation of disabled applicants and employees will be provided in accordance with federal (ADA and Section 504 of the Rehabilitation Act) and state (FEHA) mandates.

The District may require a "fitness-for-duty" health examination of any regular or substitute employee where a legitimate concern exists as to the ability to continue to perform the essential job functions of the position. Such examination will be conducted by any of the licensed physicians authorized to conduct health examinations for the District at no expense to the employee.

If, as a result of such examination or screening, the candidate/employee is determined to be unable to perform the essential job functions of his/her position, the designated physician will then determine whether his/her needs can reasonably be accommodated on either a temporary and/or permanent basis.

Mental Health Screenings

The District may require an employee to obtain a psychiatric clearance whenever, in the judgment of the District, such employee shows evidence of deviation from normal mental health of such a degree as to render the employee incompetent to perform the essential job functions and "Emotional Effort" as identified in the job description. The selection of the physician and the cost of the examination shall be the responsibility of the District.

If, as a result of such examination or screening, the candidate/employee is determined to be unable to perform the essential job functions of his/her position, the designated physician will then determine whether his/her needs can reasonably be accommodated on either a temporary and/or permanent basis.

Interactive Process

The District must conduct an interactive process meeting with the candidate/employee, the employee's immediate supervisor, the appropriate division head, and the District's Director of Risk Management/ADA Coordinator, with input from the examining medical/mental health provider, to review the physical abilities and restrictions of the person and determine if the position for which the person has been selected can be modified in order to accommodate his/her restrictions. The candidate must sign an authorization form for Use of Disclosure of Protected Health Information to permit the medical facility to release the information regarding physical/mental limitations. If the candidate does not release the information regarding these limitations or if it is determined the candidate cannot perform the essential job functions with or without reasonable accommodations, the employment may be denied. If the candidate has any questions on the results, he/she is free to contact the medical facility and the physician after he/she receives the results from the District.

Also see BP/AP 7330 titled Communicable Disease and AP 7336 titled Certification of Freedom from Tuberculosis