

MEDICAL REFERENCE GUIDE
FOR
HUMAN RESOURCE MANAGEMENT

July 2000

INTRODUCTION

This "one stop shopping" medical reference guide was developed as part of our effort to educate agencies and remind them of their statutory obligations and responsibilities as they relate to medical personnel management issues.

This guide is a consolidation of regulatory, personnel and legislative references that form the foundation of various federal programs that have a medical personnel management component.

This guide provides reference information on:

Developing an agency's medical evaluation and clearance programs for applicants and incumbents.

Developing medical standards for positions considered arduous and hazardous.

Requiring mandatory medical examinations under limited situations.

Work related injuries and restoration rights following on-the-job Injuries or Illnesses.

Medical passovers of preference eligibles.

Developing specific medical programs for safety sensitive positions (medical programs such as drug and alcohol testing, bloodborne and airborne pathogen control programs, hearing conservation programs, etc.)

Disability retirement.

Relevant Points of Contact are provided below:

Points of Contact

**U.S. OFFICE OF PERSONNEL MANAGEMENT
1900 E STREET NW
WASHINGTON, DC 20415**

- 1. STAFFING REINVENTION OFFICE, EMPLOYMENT SERVICE**
 - A. OFFICE NUMBER: 202-606-0830**
 - B. OFFICE FAX NUMBER: 202-606-0390**
 - C. PHIL SPOTTSWOOD'S NUMBER: 202-606-1389**

- II. OFFICE OF DIVERSITY, EMPLOYMENT SERVICE**
 - A. OFFICE NUMBER: 202-606-1016**
 - B. OFFICE FAX NUMBER: 202-606-0927**

- III. OFFICE OF EMPLOYEE RELATIONS AND WORKFORCE PERFORMANCE, HUMAN RESOURCES SYSTEMS SERVICE**
 - A. OFFICE NUMBER: 202-606-2920**
 - B. OFFICE FAX NUMBER: 202-606-0967**

- IV. DISABILITY DIVISION, RETIREMENT AND INSURANCE SERVICE**
 - A. OFFICE NUMBER: 202-606-0270**
 - B. OFFICE FAX NUMBER: 202-606-4895**

- V. OFFICE OF WORKFORCE INFORMATION, HUMAN RESOURCES SYSTEMS SERVICE**
 - A. OFFICE NUMBER: 202-606-1977**
 - B. OFFICE FAX NUMBER: 202-606-1719**

- VI. EMPLOYEE RELATIONS POLICY CENTER**
 - A. OFFICE NUMBER: 202-606-1259**

U.S. DEPARTMENT OF INTERIOR

1. **OCCUPATIONAL HEALTH PROGRAMS OFFICE, MANAGING RISK AND PUBLIC SAFETY**
 - A. **OFFICE NUMBER: 303-236-7128**
 - B. **OFFICE FAX NUMBER: 303-236-7336**
 - C. **BOB GARBE'S NUMBER: 303-236-7112**

2. **SPECIALIZED EMPLOYEE SERVICES, INTERIOR SERVICE CENTER**
 - A. **OFFICE NUMBER: 202-208-6642**

3. **OFFICE OF PERSONNEL, EMPLOYEE ASSISTANCE PROGRAM**
 - A. **OFFICE NUMBER: 202-208-2154**

U.S. PUBLIC HEALTH SERVICE

1. **FEDERAL OCCUPATIONAL HEALTH**
 - A. **OFFICE NUMBER: 301-549-0260 (FOH, HQ, BETHESDA)**
 - B. **JAY PAULSEN'S NUMBER: 206-615-2514 (FOH, SEATTLE)**
 - C. **JAY PAULSEN'S FAX 206-615-2446**
 - D. **RICHARD MILLER'S NUMBER 404-562-7950 ex 107 (FOH, LAW ENFORCEMENT CENTER)**

2. **NATIONAL PARK SERVICE PHS PROGRAM (DOI DETAIL OFFICE)**
 - A. **OFFICE NUMBER: 303-236-7128**
 - B. **TIM RADTKE'S NUMBER: 303-236-7128 ex 226**

TABLE OF CONTENTS

I.	GENERAL MEDICAL PERSONNEL GUIDANCE	5
II.	GOVERNMENT-WIDE EXCEPTED SERVICE APPOINTING AUTHORITIES FOR PERSONS WITH DISABILITIES	6
III.	MEDICAL DISQUALIFICATIONS OF PREFERENCE ELIGIBLES (TP, CP, CPS, XP)	7
IV.	OWCP ISSUES INVOLVING EMPLOYEE RELATIONS	8
V.	DRUG AND ALCOHOL TESTING	9
VI.	DISABILITY RETIREMENT (CSRS and FERS)	11
VII.	MENTAL HEALTH ISSUES	12
VIII.	MEDICAL RECORDS	13

REFERENCES

I. GENERAL MEDICAL PERSONNEL GUIDANCE

Law:

- A. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12111 et seq.
- B. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791, et seq.
- C. The Family and Medical Leave Act of 1993, 5 U.S.C. § 6381, et seq.

Regulation:

- A. 5 CFR 339, Medical Qualification Determinations, March 8, 1989
- B. 29 CFR 1613.71, Equal Employment Opportunity Commission, Subpart G, Prohibition Against Discrimination Because of a Physical or Mental Handicap
- C. 5 CFR 630, Family and Medical Leave, May 8, 2000

Information:

- A. OPM - Questions and Answers Addressing Medical Documentation, January, 1998, prepared by OPM's Employee Relations and Health Services Center
- B. OPM - Selected Cases dealing with Medical Documentation, May, 2000, prepared by OPM's Employee Relations Division
- C. OPM - The Role of the Agency Medical Review Officer (MRO), March, 1996, prepared by OPM's Staffing Reinvention Office
- D. OPM - Family Friendly Leave - Selected Questions and Answers, June 2000

II. GOVERNMENT-WIDE EXCEPTED SERVICE APPOINTING AUTHORITIES FOR PERSONS WITH DISABILITIES

Schedule A:

- A. 5 CFR 213.3102(II) - This hiring authority applies to readers, interpreters and other personal assistants for other employees with a severe disability(ies).**
- B. 5 CFR 213.3102(t) - This hiring authority applies to persons with mental retardation.**
- C. 5 CFR 213.3102(u) - This hiring authority applies to persons with severe physical disabilities.**

Schedule B:

- A. 5 CFR 213.3202(k) - This hiring authority applies to persons who are mentally restored.**

Information:

- A. OPM - An Overview of People with Disabilities in the Federal Government - A Statistical Profile, October, 1995, prepared by OPM's Office of Diversity**

III. MEDICAL DISQUALIFICATIONS OF PREFERENCE ELIGIBLES (TP, CP, CPS, XP)

Law:

- A. 5 U.S.C., Sections 3312 and 3318

Regulation:

- A. 5 CFR 339.306 Medical Qualification Determinations
- B. 5 CFR 351.702(d) Reduction in Force

Information:

- A. IAG Letter dated August 20, 1995, "OPM Adjudication of Medical Disqualifications to Preference Eligibles"
- B. OPM - Procedures Guide in Processing Medical Objections to Preference Eligibles, March, 1996, prepared by OPM's Staffing Reinvention Office
- C. OPM - Typical Reasons for Not Sustaining Agency Medical Passover Requests, March, 1996, prepared by OPM's Staffing Reinvention Office

IV. OWCP ISSUES INVOLVING EMPLOYEE RELATIONS

Law:

- A. 5 U.S.C. 8101 et seq. The Federal Employees Compensation Act, as amended**

Regulation:

- A. 20 CFR Parts 1 to 25, Federal Employees Compensation Act**
- B. 5 CFR Parts 353, 870, and 890, Restoration to Duty from Uniform Service or Compensable Injury (Interim Regulations, September 1, 1995)**

Information:

- A. OPM - Questions and Answers on Employee Relations Issues Involving OWCP, February, 1993, prepared by OPM's Office of Employee Relations**
- B. OPM - Pamphlet "Restoration Rights of Federal Employees Who Sustain Job-Related Injuries or Illnesses", January, 1992, prepared by OPM's Staffing Reinvention Office**
- C. OPM - An Overview of Significant Cases Concerning Employees Receiving Workers' Compensation Benefits, February, 1993, prepared by OPM's Office of Employee Relations**
- D. U.S. Department of Labor - Injury Compensation for Federal Employees (A Handbook for Employing Agency Personnel), February, 1994**
- E. U.S. Department of Labor, Questions and Answers About the Federal Employees' Compensation Act, September, 1988**
- F. U.S. Department of Labor, Resource Book - Training for Federal Employing Agency Compensation Specialists, 1994**

V. DRUG AND ALCOHOL TESTING *

Executive Order:

- A. Drug-Free Federal Workplace, Executive Order 12564, 51 Federal Register 32,889 (1986) (E.O. 12564: requires that the Head of each Executive Agency establish a program to test for the use of illegal drugs by employees in safety or security-sensitive positions)**

Law:

- A. Section 503 of the Supplemental Appropriations Act of 1987, Pub. L. 100-71, 101 Stat. 391, 468-471, codified at 5 U.S.C. § 7301 note (1987)**
- B. The Omnibus Transportation Employee Testing Act of 1991, Pub. L. No. 102-143, Title V, 105 Stat. 952 (1991) (The Act requires that a program be established to test for the use of alcohol or controlled substances. This program is mandated for Federal Aviation Administration (FAA) employees whose duties include responsibility for safety-sensitive functions and for any other Federal employee whose position requires a Commercial Drivers License (CDL) under Federal Highway Administration (FHWA) regulations)**
- C. Drug Abuse Prevention, Treatment and Rehabilitation Act of 1972, 42 U.S.C. § 290ee-1 et seq., as amended by the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act, 42 U.S.C. § 290dd et seq., Pub. L. 102-321, 106 Stat. 323 (1992) (codified at 42 U.S.C. § 201 note)**
- D. Federal Employees' Substance Abuse Education and Treatment Act of 1986, Pub. L. 99-570, Title VI, 100 Stat. 3207-157 (1986). (This Act requires agency programs to provide prevention, treatment, rehabilitation, and education services to Federal civilian employees with respect to drug and alcohol abuse)**

Regulation:

- A. 5 CFR Part 792, Federal Employees' Health and Counseling Programs**
- B. 49 CFR Part 382, Controlled Substances and Alcohol Use and Testing (This regulation is issued by the Federal Highway Administration (FHWA) and contains the requirements applicable to positions requiring Commercial Drivers' License (CDL))**

- C. **49 CFR Part 40, Procedures For Transportation Workplace Drug and Alcohol Testing Programs (This regulation is issued by the U.S. Department of Transportation (DOT) and contains the technical procedures designed for use when testing is required pursuant to 49 CFR Part 382)**

Mandatory Guidelines:

- A. **Department of Health and Human Services - Mandatory Guidelines for Federal Workplace Drug Testing Programs, Federal Register Vol. 59, No. 110, June 9, 1994 (This establishes mandatory scientific and technical guidelines for Federal civilian drug testing programs pursuant to Executive Order 12564)**

Information:

- A. **National Institute on Drug Abuse - Model Plan for a Comprehensive Drug-Free Workplace Program, 1990**
- B. **U.S. Department of Transportation - Alcohol & Drug Rules - An Overview, February, 1994**
- C. **U.S. Department of Health and Human Services - Substance Abuse and Mental Health Services Administration - Basic Information on Breath Alcohol Testing for Implementation of the D.O.T. Rules, February, 1995**
- D. **U.S. Department of Health and Human Services - An Overview of HHS Division of Workplace Programs (Federal Drug and Alcohol Program Oversight Responsibility)**
- E. **U.S. Department of Health and Human Services - Substance Abuse and Mental Health Services Administration - Medical Review Officer (MRO) Source List, March 3, 1996**
- * **See Section III(A) for information regarding the role of OPM in the adjudication of medical objections to preference eligibles who test positive on a pre-employment drug screen.**

VI. DISABILITY RETIREMENT (CSRS and FERS)

Regulation:

- A. CSRS - 5 CFR Part 831, Civil Service Retirement System, Disability Retirement, September 22, 1993**

Information:

- A. CSRS - Documentation in Support of Disability Retirement Application, July, 1984**
- B. CSRS - OPM Pamphlet "Information for Disability Annuitants", March, 1995**
- C. CSRS - Application for Immediate Retirement, January, 1990**

Regulation:

- A. FERS - 5 CFR Part 844, Federal Employees Retirement System - Disability Retirement, 1995**

Information:

- A. FERS - Documentation in Support of Disability Retirement Application, August, 1987**
- B. FERS - OPM Pamphlet "Information for FERS Disability Annuitants", October, 1995**
- C. FERS - Application for Immediate Retirement, March, 1988**

VII. MENTAL HEALTH ISSUES *

Information:

**A. OPM - Cases Involving Selected Medical Conditions, January, 1996
prepared by OPM's Office of Employee Relations**

*** See Section I "Questions and Answers Addressing Medical
Documentation for" specific information regarding an Agency's right
to order/offer a medical or psychiatric examination.**

VIII. MEDICAL RECORDS

Law:

- A. Privacy Act of 1974, 5 U.S.C. 552a

Regulation:

- A. 5 CFR Part 293, Subpart D, Employee Medical File System Records, prepared by OPM's Office of Workforce Information
- B. 5 CFR Part 297, Privacy Procedures for Personnel Records, prepared by OPM's Office of Workforce Information
- C. 29 CFR 1910.20(d)(i) (1990) Access to Employee Exposure and Medical Records, U.S. Department of Labor, Occupational Safety and Health Administration
- D. 29 CFR 1904 (June 1986), A Brief Guide to Recordkeeping Requirements for Occupational Injuries and Illnesses, U.S. Department of Labor, Bureau of Labor Statistics
- E. 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient's Records * (This regulation applies only to Employee Assistance Program (EAP) records)

Information:

- A. OPM/GOVT-10 "Employee Medical File System Records", 57 Federal Register, 35,722, (August 10, 1992), prepared by OPM's Office of Workforce Information
- B. OPM Medical Record Procedures, (covered in OPM's Operating Manual) The Guide to Personnel Recordkeeping, prepared by OPM's Office of Workforce Information