



DEPARTMENT OF THE NAVY  
UNITED STATES NAVAL ACADEMY  
ANNAPOLIS, MARYLAND 21402

USNAINST 12339.2  
24/ER&SD  
2 FEB 1988

USNA INSTRUCTION 12339.2

Subj: MEDICAL EXAMINATIONS FOR CIVILIAN EMPLOYEES

Ref: (a) 5 CFR Part 339, revised 10 Feb 84  
(b) CPI 339  
(c) 29 CFR 1613.704  
(d) Handbook of Reasonable Accommodation, U.S. Office of Personnel Management  
(e) CPI, FPM 294: Availability of Official Information

Encl: (1) Sample Letter Directing a Competency for Duty Examination  
(2) Sample Letter Offering a Competency for Duty Examination  
(3) Transportation Procedures for Competency for Duty Examinations  
(4) Sample Letter Directing Periodic Physical Examinations  
(5) Sample Letter Directing a Fitness for Duty Examination  
(6) Sample Letter Offering a Fitness for Duty Examination

1. Purpose. To publish policy and procedures for medical examinations of civilian employees and prospective civilian employees per references (a) and (b).

2. Discussion. Reference (a) completely restructured federal government authorities and procedures covering medical evaluation of civilian employees. This instruction identifies those limited circumstances and defines procedures under which medical examinations may be ordered or offered to make a personnel management decision.

3. Coverage. Competitive service employees and applicants for employment at all activities serviced by the Civilian Personnel Department (CPD), U.S. Naval Academy (USNA).

4. Policy. In the past, management exercised essentially exclusive responsibility for addressing issues of employee health which affected conduct or job performance. As a result of references (a) and (b), the employee and management now share the responsibility for raising questions of employee health. As indicated in paragraph 7, there are circumstances where management has the authority to direct employees to undergo medical examinations. In most instances it is the responsibility of the employee to raise health questions and provide substantiation of a medical condition.

5. Action

a. Supervisors will make sure the procedures outlined in this instruction are followed when situations involving questions of employee health arise. Liaison will be maintained with the Employee Relations and Services Division (ER&SD), CPD for advice and assistance in such situations. The CPD will coordinate placement efforts and process disability retirement and/or disability separation actions.

b. Activity Heads will delegate authority to order and offer medical examinations to subordinate managers and supervisors to the extent they consider appropriate and as explained in paragraphs 7 and 8. The delegation of authority will be sufficient to make sure actions related to employee health questions may be taken in a timely manner.

6. Definitions

a. "Medical condition" means health impairment which results from injury or disease, including psychiatric disease.

b. "Medical documentation" or "documentation of a medical condition" means a statement which provides the following information, or the parts identified by the activity as necessary and relevant:

(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: findings of physical examination, results of laboratory tests, X-rays, EKG's, and other special evaluations or diagnostic procedures, and in the case of 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 for nonwork related activities.

(10) Narrative explanation 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 tasks or duties of a position for which he/she is assigned or qualified.

c. "Medical requirements" include vision and hearing standards, blood pressure limitations, etc...

d. "Medical specialist" means any physician who is board-certified in a medical specialty, or a physician serving on active duty in the uniformed services who is board-eligible and who is designated by the uniformed service to perform examinations.

e. "Physical requirements" include ability to lift, carry, stoop, bend, etc., and any other specific requirement for physical capacity.

f. "Physician" means a licensed Doctor of Medicine or Doctor of Osteopathy, or a physician who is serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations.

#### 7. Directed Medical Examinations

a. Individuals who apply for or occupy positions which have physical/medical standards for selection or retention, or which are part of an established program of medical surveillance related to occupational or environmental exposure or demands, may be required to undergo a medical examination:

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(1) Prior to appointment or selection. This authority is delegated to the Employment Officer, CPD.

(2) Prior to reemployment based on full or partial recovery from a medical condition. This authority is delegated to Cost and Sub-cost Center Heads and/or the Employment Officer, CPD.

(3) On a regularly recurring, periodic basis. These examinations are scheduled by the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis.

(4) Whenever there is a direct question about an employee's continued capacity to meet the physical or medical requirements of the position. This authority is delegated to Cost and Sub-cost Center Heads.

b. Medical examinations may also be directed before placing an employee in a reduction-in-force if the position being offered has physical/medical requirements which are different from those required in the employee's present position. This authority is delegated to the Employment Officer, CPD. The affirmative obligations of reference (c) which require reasonable accommodation of qualified handicapped employees must still be considered in any placement action. Reasonable accommodation is a logical adjustment made to a job and/or the work environment that enables a qualified handicapped employee to perform the duties of that position (reference (d)). A qualified handicapped employee is a handicapped individual who with or without reasonable accommodation can perform the essential functions of the position without endangering the health and safety of the individual or others (reference (d)).

c. When an employee is receiving workers' compensation benefits or is assigned to limited duties resulting from an on-the-job injury, the employee may be directed to undergo a medical examination when a position or assignment is located for which the individual is thought to be physically qualified. This authority is delegated to Cost and Sub-cost Center Heads and/or the Employee and Labor Relations Officer, CPD. If the examination indicates the employee is capable of performing the duties, the employee will promptly be returned to a corresponding pay and duty status.

8. Activity Offered Medical Examinations. While an employee cannot be required to undergo a medical examination in all instances, there are occasions where they may be offered. An offer of a medical examination may, of course, be declined by the employee. An examination may be offered when an employee has requested a reassignment, change in duty status, or other benefit or special treatment (including the resolution of a security determination involving a medical question, or reemployment on the basis of full or partial recovery from a medical condition for employees occupying positions not having physical/medical standards) and the medical documentation supplied by the employee requires verification. The employee bears the burden of providing and paying for medical documentation in such cases. An employee who does not occupy a position subject to mandatory medical examinations may be offered an exam when an apparent medical condition is affecting performance, but not to the extent that the employee's performance is unsatisfactory. Failure to accept this offer will not result in disciplinary action; however, the employee will then be held strictly accountable for whatever performance deficiency is noted. If the employee's performance is unsatisfactory, action should be taken per USNAINST 12430.1E.

#### 9. Competency for Duty Exams

a. Competency for duty exams may be ordered in some instances when employees are apparently under the influence of alcohol or other drugs, or are not mentally or emotionally competent to perform the duties of their positions. Such exams differ from others in that they result from short-term, temporary incapacitation. A supervisor may

order a competency exam (enclosure (1)) when an employee's behavior indicates incapacity only when the position occupied has medical/physical requirements, as defined in paragraph 10. Such exams must be directed in writing and should be coordinated through the ER&SD, CPD. If the employee requests leave, it may be granted and the supervisor may then decide whether to proceed with the exam. Proceeding with the exam may be beneficial if disciplinary action is to be taken against the employee.

b. Employees who do not occupy positions having physical/medical requirements may not be directed to undergo competency for duty exams. When behavior indicative of a competency situation is observed, the supervisor must document the behavior and make a determination, based on his/her observation, as to the employee's fitness for duty. If the employee is not fit for duty, the supervisor may offer a competency for duty examination (enclosure (2)). If the employee refuses to undergo the examination, he/she may request leave for the remainder of the shift. In no case may the employee be forced to take leave. If the employee accepts the offer, the supervisor must consider the examining physician's report in making a decision concerning the employee's competency for duty.

c. The authority to order or offer a competency for duty examination is delegated to first-level supervisors.

d. Placing an employee on leave involuntarily when the employee is not able to work is no longer an acceptable practice. As a last resort, employees not ready, willing, or apparently able to perform assigned duties should be sent home in a non-duty pay status for the remainder of the work shift. They should be specifically directed to report for duty on the next scheduled workday, or request appropriate leave. Appropriate disciplinary action should be taken, depending on the circumstances of the situation (e.g., the employee reported to duty under the influence of alcohol).

e. Enclosure (3) provides guidance concerning transporting employees to the clinic or home when they are determined to be under the influence of alcohol or other drugs.

#### 10. Establishment of Physical Requirements

a. The identification of minimum physical requirements for job performance is one aspect of a thorough job analysis. While development of physical requirements is a supervisory responsibility, the Classification Division, CPD will assist, as necessary, in their refinement. The authority to approve minimum physical requirements for individual positions or groups of positions at the Naval Academy is delegated to the Principal Classifier, CPD. Although the Office of Personnel Management (OPM) exercises exclusive authority for the establishment or revision of physical or medical standards which have occupation-wide impact, these occupation-wide standards may not address or may inadequately address the physical demands of a given position or group of positions. Specific physical requirements may arise or exist either because of environmental factors (e.g., working in confined spaces, extreme heat, etc.) or because of unusual physical demands (e.g., lifting, climbing, bending, etc.). Any physical requirement established must be clearly identified during the recruitment process.

b. Physical requirements must be carefully developed and should be stated in performance-related terms (e.g., must be able to climb a 30-foot ladder, must have visual acuity sufficient to read typewritten material). Physical requirements must be based upon a thorough analysis of both the job and the work environment. This is important not only as a means of ensuring the validity of physical requirements, but also as a means of supporting the basis for the requirements if challenged in an appeal. For the same reasons, any determination that an individual cannot meet the physical requirements of a position should be documented, including the rationale for the decision and any evidence of record that supports this conclusion.

c. Where a physical or medical standard does exist and is specific, a more rigorous physical requirement may not be imposed. For instance, if a standard required vision correctable to 20/20, a requirement for 20/20 vision without the use of glasses could not be established. On the other hand, if a standard were general in nature, such as requiring "good vision," a specific interpretation of "good vision" could be made by requiring "ability to read fine print."

d. Physical requirements may be established provided:

(1) The requirement pertains to an essential element of the job;

(2) Any requirement represents the minimum capability needed to perform satisfactorily; and

(3) Requirements are documented in the applicable position or job description, a copy of which should be furnished to the employee.

e. Employees may be ordered to report for medical examinations on the basis of written physical requirements. Inability to meet the physical requirements of a position may serve as a basis for nonselection, reassignment, removal, or other appropriate personnel action.

f. The authority to require an individual to report for medical evaluation does not constitute authorization to conduct urinalysis testing of civilian employees for drugs.

g. In developing physical requirements, supervisors and managers must bear in mind that this authority in no way absolves them of the requirements of reasonable accommodation. If a qualified handicapped individual can perform the essential functions of a job within an identified accommodation, such accommodation must be afforded unless it can be shown that to do so would impose an undue hardship upon the organization or the Department of the Navy.

11. Examination Procedures. An employee who is directed to undergo a medical examination or is offered an exam must be notified in writing. The notification must include the reasons for the exam and the consequences of failure to cooperate. Enclosures (4) through (6) are to be used to notify employees of ordered or offered medical examinations. Alternative formats may be used, but should be discussed with the ER&SD, CPD before using. The following procedures will apply for all medical examinations ordered or offered:

a. The examining physician will be designated, but the employee will be offered the opportunity to provide medical documentation from a personal physician, which the activity will review and consider.

b. The activity will bear the cost of any exam conducted by an activity designated physician which is ordered or offered. The employee will pay for any medical examination conducted at the employee's request by a personal physician of his/her choice.

c. The management official ordering the examination will provide the examining physician a copy of the proper forms for the physical examination and/or a detailed description of the duties of the position, including critical elements, physical demands, and environmental factors.

d. All medical-specialty examinations ordered or offered under the provisions of this instruction will be conducted by a medical specialist.

12. Psychiatric evaluations may be ordered or offered only when the employee first provides results of a general medical or psychiatric examination, or the activity has first conducted a nonpsychiatric medical examination, and, after review of the documentation or examination report, the Head of the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis concurs that a psychiatric evaluation is warranted for medical reasons. Unless not medically indicated in the psychiatrist's judgment, a psychiatric evaluation normally consists of more than one interview with the employee and includes psychological testing.

13. Records and Reports

a. Medical documentation and records of examinations obtained under this instruction will be maintained per instructions provided by the OPM.

b. The report of examination conducted under this instruction may only be made available to the applicant or employee per reference (e).

c. The CPD will forward to the Office of Workers' Compensation Programs (OWCP), Department of Labor (DOL), a copy of all medical documentation and reports of examinations of individuals who are receiving or have applied for injury compensation benefits including continuation of pay. The CPD will also report to the OWCP, DOL, the failure of such individuals to report for examinations that the activity orders under this instruction.

14. Information concerning medical evaluations or information regarding this instruction may be obtained from the ER&SD, CPD.

  
R. F. MARRYOTT

Distribution:  
AA  
CPD (50)

SAMPLE LETTER DIRECTING A COMPETENCY FOR DUTY EXAMINATION

From: Supervisor  
To:

Subj: COMPETENCY FOR DUTY EXAMINATION

Encl: (1) JD/PD# \_\_\_\_\_, Title: \_\_\_\_\_

1. You are directed to report for a competency for duty examination to determine whether you are presently able to perform the duties of your position without harm to yourself or others. The examination will be conducted immediately at the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis. During the evening and night shifts, the exam will be performed at the Bancroft Hall Medical Clinic, NMCL, Annapolis.

2. Your behavior indicates you are under the influence of alcohol or other drugs or are mentally or emotionally not competent to perform your assigned duties. Specifically, the following conditions have been observed:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

3. The results of your examination will be considered in determining whether you should remain in a duty status for the remainder of your shift. If the examination indicates that you should not remain in a duty status for the remainder of your shift, you will be allowed to request annual leave or leave without pay if you so desire.

4. By copy of this letter, the NMCL is requested to perform the competency for duty examination to evaluate your ability to perform duties of your position, as described in enclosure (1).

5. This action is necessary to ensure your safety and the safety of others in the work environment and to maintain the efficiency of this command. Failure to comply with this order may result in disciplinary action.

\_\_\_\_\_  
SIGNATURE

Copy to:  
NMCL

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure (1)

SAMPLE LETTER OFFERING A COMPETENCY FOR DUTY EXAMINATION

From: Supervisor  
To:

Subj: OFFER OF COMPETENCY FOR DUTY EXAMINATION

Encl: (1) JD/PD# \_\_\_\_\_, Title: \_\_\_\_\_

1. You are offered the opportunity to report for a competency for duty examination to determine whether you are presently able to perform the duties of your position without harm to yourself or others. The examination will be conducted immediately at the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis. During the evening and night shifts, the exam will be performed at the Bancroft Hall Medical Clinic, NMCL, Annapolis.

2. Your behavior indicates you are under the influence of alcohol or other drugs or are mentally or emotionally not competent to perform your assigned duties. Specifically, the following conditions have been observed:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

3. If it is recommended that you not complete the remainder of your shift, you may request annual leave or leave without pay if you so desire. This examination is being offered because you have indicated you are ready, willing, and able to work while your observed behavior indicates you are not.

4. By copy of this letter, the NMCL is requested to perform the competency for duty examination to evaluate your ability to perform duties of your position, as described in enclosure (1).

5. This action is necessary to ensure your safety and the safety of others in the work environment and to maintain the efficiency of this command.

\_\_\_\_\_  
SIGNATURE

Copy to:  
NMCL

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure (2)

TRANSPORTATION PROCEDURES FOR COMPETENCY FOR DUTY EXAMINATIONS

1. Follow these procedures in arranging transportation of employees who, through either medical examination or supervisory observation, are determined to be under the influence of alcohol or other drugs. By following these steps, the rights of the employee will be safeguarded, while ensuring minimum command liability. When an employee is ordered to undergo a competency for duty exam or accepts an offer of a competency for duty exam, the supervisor is responsible for arranging transportation of the employee to the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL) or Bancroft Hall Medical Clinic, NMCL, Annapolis as appropriate. Under no circumstances are employees to be allowed to drive themselves to the examination site, nor are they to be allowed to use a USNA taxi without being accompanied by their supervisor.
2. The following steps are to be followed, in sequence, in arranging transportation of the employee to their residence:
  - a. Attempt to arrange transportation by means of a family member. If the employee refuses to allow contact with the spouse or other relative;
  - b. Attempt to arrange transportation by means of a friend or coworker. If a coworker agrees to transport the employee home, the supervisor may administratively excuse the coworker for an absence of less than an hour. If the employee refuses this means of transportation, or no friend is available;
  - c. Offer to arrange transportation by means of a cab, at the employee's expense. If the employee refuses;
  - d. At this point, the employee has refused all efforts of assistance and becomes a disruptive influence. The Security Department is to be called so the employee may be detained by proper personnel.
3. In the event the employee attempts to leave the facility, immediately call Security to stop and detain the employee. While a supervisor is responsible for making every reasonable effort to prevent an employee from operating a vehicle, that responsibility does not require the supervisor to physically detain the employee. At no time should the supervisor place himself/herself in a position where a physical confrontation results.
4. Guidance concerning atypical situations may be obtained by calling the Employee Relations and Services Division of the Civilian Personnel Department at extensions 2533 or 3457.

Enclosure (3)

SAMPLE LETTER DIRECTING PERIODIC PHYSICAL EXAMINATIONS

From: Employment Officer  
To:

Subj: REQUIREMENT FOR PERIODIC PHYSICAL EXAMINATIONS

1. You are required to undergo periodic physical examinations as a condition of employment of the position you occupy/in which you are being placed. The position of \_\_\_\_\_ requires physical examinations ( ) annually ( ) semi-annually ( ) \_\_\_\_\_.

2. These examinations are conducted to evaluate ( ) exposure to environmental factors/( ) your physical capacity to perform the duties of your position. The Head, Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis, will perform the examinations.

3. Failure to comply with an order to submit to a periodic examination may result in disciplinary action.

\_\_\_\_\_  
SIGNATURE

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure (4)

SAMPLE LETTER DIRECTING A FITNESS FOR DUTY EXAMINATION

From: Cost Center Head or Sub-Cost Center Head  
To:

Subj: FITNESS FOR DUTY EXAMINATION

Encl: (1) PD/JD# \_\_\_\_\_, Title: \_\_\_\_\_

1. You are directed to report for a medical examination to determine your fitness for duty in your position of \_\_\_\_\_. The examination will be conducted by the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis, on:

\_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_.  
Day Date Time

2. You are being directed to undergo this examination because \_\_\_\_\_

3. By copy of this letter, the Occupational Health Clinic is requested to perform the fitness for duty examination as scheduled above. A copy of your position description is included as enclosure (1) for their use in evaluating your fitness for duty.

4. If you desire, in addition to undergoing the fitness for duty examination, you may submit medical documentation from your personal physician, obtained at your expense, which will be considered in evaluating your fitness for duty.

5. This examination is necessary to ensure your safety and the safety of others in your workplace. Failure to undergo this exam may result in disciplinary action being taken against you.

\_\_\_\_\_  
SIGNATURE

Copy to:  
Occupational Health/Preventive Medicine Dept., NMCL

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure (5)

SAMPLE LETTER OFFERING A FITNESS FOR DUTY EXAMINATION

From: Cost Center Head or Sub-Cost Center Head  
To:

Subj: FITNESS FOR DUTY EXAMINATION

Encl: (1) PD/JD# \_\_\_\_\_, Title: \_\_\_\_\_

1. You are offered the opportunity to report for a medical examination to determine your fitness for duty in your position of \_\_\_\_\_. The examination will be conducted by the Occupational Health/Preventive Medicine Department, Naval Medical Clinic (NMCL), Annapolis, on:

\_\_\_\_\_ , \_\_\_\_\_ at \_\_\_\_\_ .  
Day Date Time

2. You are being offered this examination because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. By copy of this letter, the Occupational Health Clinic is requested to perform the fitness for duty examination as scheduled above. A copy of your position description is included as enclosure (1) for their use in evaluating your fitness for duty.

4. If you desire, in addition to undergoing the fitness for duty examination, you may submit medical documentation from your personal physician, obtained at your expense, which will be considered in evaluating your fitness for duty.

5. This examination is necessary to ensure your safety and the safety of others in your workplace and to maintain the efficiency of this command. You are not obligated to accept this offer of a medical examination. In the absence of any medical information to the contrary, it will be assumed that you have no medical condition which could affect your performance or conduct.

\_\_\_\_\_  
SIGNATURE

Copy to:  
Occupational Health/Preventive Medicine Dept., NMCL

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Enclosure (6)