Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules. When the Board or the Personnel Director considers that a change in the Rules is necessary or desirable, the procedure shall be as follows: ... 2) The proposed rule change shall be posted on bulletin boards and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule changes shall be posted with the proposed rule change. 4) A public hearing on the proposed rule change shall be held by the Board.”

PLEASE POST ON ALL BULLETIN BOARDS AS SOON AS POSSIBLE

Public Hearing Notice - No. 428

A Career Service Board Public Hearing has been scheduled regarding a proposed revision to Career Service Rule 5-20 Medical Examinations Following a Conditional Offer of Employment.

The scheduled time for the public hearing is THURSDAY, JUNE 16, 2011, at 9:00 A.M., in the CSA Board Room, 4.G.2., Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to be heard by the Board on this item, please contact Leon Duran at 720-913-5168 no later than 12:00 Noon on MONDAY, JUNE 13, 2011.

If anyone wishes to submit written comments, please submit them

IN PERSON NO LATER THAN 12:00 NOON ON
MONDAY, JUNE 13, 2011, TO:

Pete Garritt
HR Supervisor
Career Service Authority
201 West Colfax, 4th Floor
Denver, Colorado 80202

BY MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, JUNE 13, 2011, ADDRESSED TO:

Pete Garritt
HR Supervisor
Career Service Authority
201 West Colfax, Department 412
Denver, Colorado 80202

BY FAX, TO BE RECEIVED NO LATER THAN 12:00 NOON ON
MONDAY, JUNE 13, 2011 TO: (720-913-5720)

OR BY E-MAIL TO BE RECEIVED NO LATER THAN 12:00 NOON ON
JUNE 13, 2011, 2010 TO: Peter.Garritt@denvergov.org
PLEASE POST ON ALL BULLETIN BOARDS

AS SOON AS POSSIBLE

RULE PROPOSAL 413B

TO: Appointing Authorities, Managers, and Employees

FROM: Christopher M.A. Lujan, Interim CSA Director

DATE: June 3, 2011

SUBJECT: Proposed revision of Career Service Rule 5-20 Medical Examinations Following a Conditional Offer of Employment

THIS PROPOSED REVISION TO THE CAREER SERVICE RULES IS BEING POSTED FOR PUBLIC COMMENT AND HEARING TO BE HELD ON

THURSDAY, JUNE 16, 2011, at 9:00 A.M.

A review of Career Service Rule 5-20 has revealed numerous provisions in this rule need to be updated. Here are some examples:

- CSA currently lists medical groups by letter, not the numbers assigned in the rule;
- The Career Service Board is no longer involved in approving the allocation of classifications to a medical group or the medical standards for each medical group; and
- Some language in the rule needs to be updated to reflect the current ADA laws.

Other changes include:

- Re-organization of the rule for better flow;
- Adding a section making it clear that the Personnel Director can delegate authority given under Rule 5 to a subordinate.
Under this proposal, medical standards for medical groups can be proposed by ‘designated providers.’ Currently, only Denver Health can propose medical standards. The term ‘designated provider’ is defined in the City ordinances and in the state’s Workers’ Compensation laws. Under these laws the City is required to designate at least two health care providers as approved to treat employees with occupational injuries or diseases. Currently the City’s designated providers are Denver Health and Concentra.

Approval of these medical standards is to be by the Career Service Personnel Director (or designee), rather than the Board.

Under the proposal, post-offer conditional medical examinations can be administered by a designated provider. This is a change to the current rule which requires that these examinations be performed by Denver Health.

Applicants for positions in the ‘Sedentary’ category can be required to take a medical examination if their particular position has duties that require a high degree of physical fitness and health.

The proposed changes would make it clear that passing the medical examination is a condition precedent to employment for jobs where a conditional offer of employment is required.

CHANGES SINCE ORIGINAL POSTING:

- Edited language so that it is more consistent with ADA;
  - Replaced ‘standards’ with ‘criteria’;
  - Criteria have to be job related and consistent with business necessity; and
  - Made it clear that conditional offers of employment may be rescinded if it is determined that an applicant cannot perform the essential duties of a position even with reasonable accommodations.

- Clarified that medical criteria and medical examinations may be proposed and conducted by the city’s designated providers.

- Conditional offer of employment depends on results of medical examination, replaces ‘passing’ requirement

- Deleted ability to waive medical standards for individuals.

If you would like to schedule a meeting with a member of Career Service Authority to discuss this proposal prior to the Public Hearing, please contact Pete Garritt at 720-913-5671.
Section 5-15 Delegation of Authority by Personnel Director

The Career Service Personnel Director (“Personnel Director”) may delegate any authority given under this rule to a subordinate employee.

Section 5-20 Medical Examinations Following a Conditional Offer of Employment

5-21 Medical Groups

A. All classifications in the Career Service shall be allocated to a medical group by the Career Service Personnel Director (“Personnel Director”) with approval of the Career Service Board (“Board”). The medical groups are as follows:

A 1. Medical Group Heavy (H): Positions which demand a very high degree of physical fitness and health.

B 2. Medical Group Medium (M): Positions which demand considerable labor and exertion or in which safety considerations mandate a high degree of physical fitness and health.

C 3. Medical Group Sedentary (S): Positions which require little physical labor or exertion and an average degree of health.

5-22 Adoption of Medical Standards

Medical criteria standards for each medical group or for individual classifications within a medical group shall be proposed by the Center for Occupational Safety and Health at Denver Health or by another designated provider (as defined in Chapter 18, Article VII of the Denver Revised Municipal Code – Treatment of Occupational Injury or Disease), if selected by the appointing authority Denver Health Medical Center. Proposed standards adopted by Approval of the proposed medical criteria shall be the responsibility of the Personnel Director Board. Medical criteria must be job-related and consistent with business necessity. Medical criteria standards shall be used as a guide in determining an applicant’s ability to perform the essential functions of a position either with or without reasonable accommodations medical fitness. The Personnel Director may waive these standards at the request of an appointing authority when the Personnel Director determines that it is in the best interest of the City and when such employment will not constitute a hazard to the prospective employee’s health or create a liability to the City.
5-23 Medical Examinations

Section 5-20 Medical examinations following a conditional offer of employment

A. Applicants who are offered positions which are in a classification as in group 1 or 2 H or M are will be required to submit to a medical examination after receiving an conditional offer of employment conditioned on the results of the medical examination. The examination shall be administered by the occupational health and safety clinic at Denver Health Medical Center, one of the City's designated providers (as defined in the previous subsection). The examination shall be completed after the the conditional offer of employment has been given to the applicant and before the first day of work.

B. Applicants who are offered positions which are in a classification as in group S will are not be required to submit to a post-employment offer medical examination unless the position has other assigned duties that demand a high degree of physical fitness and health (such as operating snow removal equipment). The determination of whether a conditional offer of employment and a post-employment offer medical examination is required shall be made by the appointing authority.

C. If it is determined that the applicant is unable to perform the essential functions of the position even with reasonable accommodations, the offer of employment shall be rescinded.
Below is a ‘clean’ version of the proposed revision:

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Section 5-15 Delegation of Authority by Personnel Director

The Career Service Personnel Director (“Personnel Director”) may delegate any authority given under this rule to a subordinate employee.

Section 5-20 Medical Examinations Following a Conditional Offer of Employment

5-21 Medical Groups

All classifications in the Career Service shall be allocated to a medical group by the Personnel Director. The medical groups are as follows:

A. Heavy (H): Positions which demand a very high degree of physical fitness and health.

B. Medium (M): Positions which demand considerable labor and exertion or in which safety considerations mandate a high degree of physical fitness and health.

C. Sedentary (S): Positions which require little physical labor or exertion and an average degree of health.

5-22 Adoption of Medical Standards

Medical criteria for each medical group or for individual classifications within a medical group shall be proposed by the Center for Occupational Safety and Health at Denver Health or by another designated provider (as defined in Chapter 18, Article VII of the Denver Revised Municipal Code – Treatment of Occupational Injury or Disease), if selected by the appointing authority. Approval of the proposed medical criteria shall be the responsibility of the Personnel Director. Medical criteria must be job-related and consistent with business necessity. Medical criteria shall be used as a guide in determining an applicant’s ability to perform the essential physical functions of a position either with or without reasonable accommodations.
5-23 Medical Examinations

A. Applicants who are offered positions in a classification in group H or M are required to submit to a medical examination after receiving an offer of employment conditioned on the results of the medical examination. The examination shall be administered by one of the City’s designated providers (as defined in the previous subsection). The examination shall be completed after the conditional offer of employment has been given to the applicant and before the first day of work.

B. Applicants who are offered positions in a classification in group S are not required to submit to a post-employment offer medical examination unless the position has other assigned duties that demand a high degree of physical fitness and health (such as operating snow removal equipment). The determination of whether a conditional offer of employment and a post-employment offer medical examination is required shall be made by the appointing authority.

C. If it is determined that the applicant is unable to perform the essential functions of the position even with reasonable accommodations, the offer of employment shall be rescinded.