

Career Service Rule Section 2-20 B. - Adoption, Amendment or Repeal of Career Service Rules (“Rules”). When the Board or the OHR Executive Director determines 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 the same bulletin boards as the local, state, and federal-mandated posters, as well as the Career Service Board’s internet page, and made available to appointing authorities, employees, and the general public for comments and suggestions. A short summary of the proposed rule change and the reason(s) for the proposed change 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. 570

A Career Service Board Public Hearing has been scheduled regarding proposed revisions to Career Service Rule Section 5-40 Medical Examinations Following a Conditional Offer of Employment.

The scheduled time for the public hearing is **THURSDAY, APRIL 5, 2018, at 4:30 P.M.**, in **Room, 4.G.2.**, Webb Municipal Building, 201 West Colfax Avenue.

If anyone wishes to submit written comments or talk to OHR staff regarding this notice, please contact:

Lauren Locklear
Office of Human Resources
201 West Colfax, 4th Floor
Department 412
Denver, Colorado 80202
Lauren.Locklear@denvergov.org
(720) 913-5618

Comments regarding this notice should be submitted no later than **12:00 p.m., MONDAY, APRIL 2, 2018.**

If anyone wishes to address the Board regarding this notice please contact George Branchaud at (720) 913-5650 or at george.branchaud@denvergov.org no later than **12:00 p.m., MONDAY, APRIL 2, 2018** to get on the agenda. **You are encouraged to submit written comments regarding the subject matter of your testimony at this time so that the Board has time to adequately consider your input.**

Notice of Public Hearing scheduled for April 5, 2018

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AS SOON AS POSSIBLE**

RULE PROPOSAL 465B

TO: Appointing Authorities, Managers, and Employees
FROM: Karen Niparko, OHR Executive Director
DATE: March 19, 2018
SUBJECT: Proposed Revision of Career Service Rule Section 5-40 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, APRIL 5, 2018, at 4:30 P.M.
Webb Municipal Building Room 4.G.2**

Please refer to the following table for additional information on the former rule description, the revised rule description and the intended impact of the revisions to Rule 5:

Rule <u>Section 5-40 Medical Examinations Following a Conditional Offer of Employment.</u>			
CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
Provides three levels of medical groups under which all classifications in the Career Service are allocated: Heavy, Medium, and Sedentary. Allocation to a medical group is determined by the OHR Executive Director.	Provides five levels of medical groups under which all classifications in the Career Service are allocated: Sedentary, Light, Medium, Heavy, and Very Heavy. Allocation to a medical group is determined by the City's Risk Management Office.	5-41	Transfers the duty of allocating classifications to medical groups from the OHR Executive Director to the City's Risk Management Office as Risk Management has the expertise in this area. Aligns the levels of medical groups with the federal government's five-scale physical levels which allows for more accuracy when administering medical examinations and HPEs.
Approval of medical criteria proposed by the Center for Occupational Safety and Health at Denver Health is the responsibility of the	Approval of medical criterial proposed by the Medical Director at the Center for Occupational Safety and Health at Denver Health is the responsibility of the City's Risk Management Office.	5-42	Transfers the duty of approving medical criteria from the OHR Executive Director to the City's Risk Management Office as Risk Management has the expertise in this area.

Notice of Public Hearing scheduled for April 5, 2018

Rule Section 5-40 Medical Examinations Following a Conditional Offer of Employment.			
CURRENT RULE	REVISED RULE	RULE NUMBER	REVISION INTENTION & IMPACT
OHR Executive Director.			
Applicants who are offered positions in the Heavy or Medium medical groups are required to submit to medical examinations; some applicants who are offered positions in the Sedentary medical group may be required to submit to medical examinations.	The determination of which applicants are required to submit to medical examinations is determined by the applicable job classification specification.	5-43	Requires an analysis by job classification whether the applicant will be required to submit to a medical examination, rather than by medical group, which allows for more accuracy.

ATTACHED BELOW YOU WILL FIND A STRIKETHROUGH VERSION OF THE PROPOSED REVISIONS TO RULE Section 5-40 Medical Examinations Following a Conditional Offer of Employment.

Notice of Public Hearing scheduled for April 5, 2018

DELETIONS ARE INDICATED BY strike through AND ADDITIONS ARE INDICATED BY bold, italics, and underline.

Section 5-40 Medical Examinations Following a Conditional Offer of Employment

5-41 Medical Groups

All classifications in the Career Service shall be allocated to a medical group by the City's Risk Management Office ~~OHR Executive Director~~. The medical groups are as follows:

- ~~A. Heavy (H): Positions which demand a very high degree of physical fitness.~~
- ~~B. Medium (M): Positions which demand considerable labor and exertion or in which safety considerations mandate a high degree of physical fitness.~~
- ~~C. Sedentary (S): Positions which require little physical labor or exertion.~~
- A. ***Sedentary (1):*** ***Work that involves lifting no more than 10 pounds at a time.***
- B. ***Light (2):*** ***Work that involves lifting no more than 20 pounds at a time with frequent lifting or carrying of objects weighing up to 10 pounds.***
- C. ***Medium (3):*** ***Work that involves lifting no more than 50 pounds at a time with frequent lifting or carrying of objects weighing up to 25 pounds.***
- D. ***Heavy (4):*** ***Work that involves lifting no more than 100 pounds at a time with frequent lifting or carrying of objects weighing up to 50 pounds.***
- E. ***Very Heavy (5):*** ***Work that involves lifting objects more than 100 pounds at a time with frequent lifting or carrying of objects weighing 50 pounds or more.***

5-42 Adoption of Medical Standards

Medical criteria for each medical group or for individual classifications within a medical group shall be proposed by the Medical Director at 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.~~ and approved by the City's Risk Management Office. ~~Approval of the proposed medical criteria shall be the responsibility of the OHR Executive Director.~~ Medical criteria must be job-related and consistent with business necessity. Medical criteria shall be used as a guide in

Notice of Public Hearing scheduled for April 5, 2018

determining an applicant's ability to perform the essential physical functions of a position either with or without reasonable accommodations.

5-43 Medical Examinations

- A. **Whether an applicant is required to submit to a medical examination after receiving an offer of employment is set by the applicable job classification specification. The** ~~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~~ **shall be** conditioned on the results of the medical examination. The examination shall be administered 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).** ~~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 (such as operating snow removal equipment). The determination of whether a conditional offer of employment and a post-employment offer medical examination is required and shall be based on the physical requirements of the position.~~
- ~~B.G.~~ If it is determined that the applicant is unable to perform the essential functions of the position with or without reasonable accommodations, the offer of employment shall be rescinded.