

ARTICLE 44
MEDICAL QUALIFICATION DETERMINATIONS

Section 44.01 - Medical Examinations. Management may only direct an employee to undergo a medical examination consistent with 5 CFR 339.

Section 44.02 - Representation. Employees shall be advised that they have a right to have a Union representative present during proceedings for medical determination examination.

Section 44.03 - Examination Procedures. When Management orders or offers a medical examination under this Article it shall inform the employee in writing of its reasons for doing so and the consequences of failure to cooperate. (A single notification is sufficient to cover a series of regularly recurring or periodic examinations ordered under this Article.) Any examination required by the Department to determine an employee's fitness for duty shall be covered under administrative leave provisions.

Management shall designate the examining physician or other appropriate practitioner, but shall not preclude the employee an opportunity to submit medical documentation from his or her personal physician or practitioner at any time during the review process. The Department must review all such documentation supplied by the individual's personal physician or practitioner.

Section 44.04 - Waiver of Standards. Agencies must waive a medical standard or physical requirement when there is sufficient evidence that an applicant or employee, with or without a reasonable accommodation, can perform the essential duties of the position without endangering the health and safety of the individual or others.

Section 44.05 - Payment for Examination. Management shall pay for all examinations ordered or offered under this Article, whether conducted by Management's physician or the employee's physician. The employee must pay for a medical examination conducted by a private physician (or practitioner) where the purpose of the examination is to secure a benefit sought by the employee.

Section 44.06 - Records, Reports, and Release of Information.

Management shall receive and maintain all medical documentation obtained under this Article in accordance with 5 CFR 293. The release of medical documentation to the employee or their representatives shall be in accordance with OPM regulation 5 CFR 297 and any applicable provisions of the Privacy Act.

Section 44.07 - Disability Retirement. Management shall assist an employee in filing an application for disability retirement if the employee requests such assistance while employed with the Department.