

# State Human Resources Policy # E24-101-08

## Requirement for Physical Examination

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **DEFINITIONS**

Agency – The South Carolina Military Department/Office of the Adjutant General

### **POLICY**

1. Personnel seeking employment and personnel employed by the Agency in support of the following Appendices of the Master Cooperative Agreement are required to receive initial and periodic physical examinations as required by their specific Appendix at no cost to the employee:

- Appendix 1 (ARNG Facilities Programs) (Firefighters only)
- Appendix 3 (ARNG Security Guard Activities)
- Appendix 23 (ANG Security Cooperative Agreement)
- Appendix 24 (ANG Fire Protection Activities)

2. The medical evaluation is intended to:

- Certify whether the individual is medically fit to perform the essential job functions, with or without reasonable accommodation
- Identify any health condition(s) that may be substantially aggravated by the job
- Evaluate an individual's health and fitness to take the Physical Ability Test (PAT) (Appendix 3 only)
- Identify individual cardiovascular risk factors, and provide advice and assistance in controlling risk factors, including referral to the individual's personal physician
- Serve as a baseline for tracking health trends

3. Standards and Requirements for Medical Evaluations

a. Appendix 1 (Firefighters only) - OSHA 1910.156, OSHA 1910.134, OSHA 1910.120 and NFPA 1582 (Standard on Comprehensive Occupational Medical Program for Fire Departments).

b. Appendix 3 - AR 190-56 (The Army Civilian Police and Security Guard Program)

c. Appendix 23 - Air Force Instruction 31-122 (Department Of The Air Force Civilian Police/Security Guard (DAF CP/SG) Program)

d. Appendix 24 - OSHA 1910.156, OSHA 1910.134, OSHA 1910.120 and NFPA 1582 (Standard on Comprehensive Occupational Medical Program for Fire Departments).

4. Changes to Medical Condition

a. Employees will promptly notify the Program Manager or their designated representative of any change to the employee's condition that may impair their ability to perform essential job functions, including medical conditions arising from use of prescribed or over-the-counter medication.

(1) The Program Manager will contact the Military Department's State Human Resources Officer (State HRO) to assist in gaining a determination if the employee is fit for duty.

(2) This determination may include the State HRO directing a physical examination at no cost to the employee.

b. If the Program Manager determines or suspects an employee of having a condition that may impair the employee's ability to perform essential job functions, the Program Manager will coordinate with the State HRO who may direct a physical examination at no cost to the employee to determine if the employee is fit for duty.

5. Failure to meet the requirements of the physical examination or refusal to take a required physical examination may lead to refusal of employment (for applicants) or actions up to and including Termination (current employees).

**PROCEDURE**

1. The State HRO, in coordination with the respective Program Managers or their designated representative, will select the physician and/or location for the physical examinations.

a. For periodic examinations and fit-for-duty examinations for current employees, the State HRO will also coordinate with the Program Manager or their designated representative to schedule the examination.

b. Program Managers are responsible for coordinating with the State HRO to schedule the required periodic examinations.

2. The State HRO will maintain the records of results of the physical examinations as a part of the employees Personnel Records.

a. These records are protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and are not subject to release under the Freedom of Information Act (FOIA).

b. The State HRO will ensure the records of physical examinations are separated from other records in the individual's personnel file in manner to ensure they are not comingled.

3. The State HRO will notify the respective Program Manager of the status and acceptability of the completed physical examinations.