



# City of Waukesha HR Policy

## G4 Physical & Psychological Evaluations

### I. Purpose

The City of Waukesha is committed to promoting a safe environment for our employees and the community. To achieve such an environment, the City requires that candidates and employed personnel are fit to perform their job duties in a safe and effective manner. Individuals who are not fit to perform the duties of their job may pose a safety risk to themselves and to others.

### II. Summary

This policy outlines the evaluation process for employees and candidates who are required to complete a physical and/or psychological health assessment for the purpose of their job requirements.

### III. Definitions

- A. Employee:** Being employed by the City on a regular part-time or full-time, permanent basis.
- B. Candidate:** An individual who has submitted an employment application and is being considered for an available position at the City.
- C. Disability:** A physical or psychological impairment that substantially limits one or more major life activity.

### IV. Pre-Employment Physical Evaluations

~~After an applicant is offered a position which requires the performance of medium to heavy physical labor and/or the ability to work in temperature extremes, he/she will be required to submit to a physical exam.~~

Prior to beginning employment, some City positions require passing a thorough medical examination. These examinations are only required for positions which include physical effort beyond levels encountered in a regular office environment, or as required by state or federal rule. The City pays for these examinations, and they are administered by a physician designated by the City. The offer of employment is contingent upon the medical examination showing that the applicant candidate has the ability to perform the essential functions of the position offered. Should a question arise concerning a candidate's ability to perform the essential functions of a job, the candidate may be required to obtain further medical documentation. This additional documentation will be at the candidate's cost.

If the medical examination reveals a disability as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336), the City will then consider any reasonable accommodation that would enable the applicant candidate to perform the essential job functions.

**Commented [KJS1]:** Verbiage from B2 Recruitment and Retention policy

~~Applicants will be examined by a doctor of the City's choice at the City's expense.~~

Commented [KJS2]: Moved up in policy

~~Applicants offered positions may be required to complete a medical history questionnaire. This is to show that the applicant is able to perform the essential functions of the position offered. If the medical history questionnaire reveals a disability as defined in the Americans with Disabilities Act of 1990 (Public Law 101-336), the City will then consider any reasonable accommodation that would enable the applicant to perform the essential job functions.~~

#### V. **Other Psychological Evaluations**

In addition to the purely physical aspects of a position, some positions such as a police officer, social worker, firefighter, or dispatcher, etc., require personnel with special psychological balance which makes it necessary to determine the mental psychological health of people assigned to those types of occupations. An applicant-candidate or employee can be disqualified for a position on the basis of such an examination only if his/her their condition "constitutes a direct threat to health and safety" and this threat is "job related and justified by business necessity".

Commented [KJS3]: Moved section further up in policy.

#### VI. **Special Physical Fitness-For-Duty Evaluations**

Any employee whose physical or psychological condition constitutes a hazard to the health or safety of him/herself-themselves, or others employees or who requires review because of one or more of the following reasons, shall be required to undergo a physical or psychological health evaluation:

- A. An inability to do a satisfactory job because of a physical or mental psychological problem
- B. Return from an absence after a non-work related illness or injury
- C. Return from an absence after a work-related illness or injury

The employee is required to furnish the City with a copy of a his/her personal physician's release to work, plus a brief report of a diagnosis, treatment, and prognosis as well as any restrictions imposed by the treating physician. This must be provided at the time of return to work.

An independent physical exam could be required when an employee:

- A. Returns from resignation or leave without pay status of more than six months duration
- B. Returns from resignation or leave without pay status for any duration when the health status of the employee is questionable
- C. Transfers to a job that requires greater physical capability
- D. Appears to be working while impaired
- E. Frequently uses sick leave (i.e., an employee's inability to accumulate sick leave is an indication that something is wrong).
- F. Has demonstrated a pattern of absences (e.g., always takes off on Mondays or Fridays, before or after holidays, etc.).
- G. An employee has an unusual number of work-related injuries or repeated recurrences of disability from a previous injury

The cost of any fitness-for-duty examination completed by a physician of the City's choosing will be covered by the City of Waukesha. The costs of any Fitness for Duty examinations performed by a physician of the employee's own choosing shall be paid by the employee.

**VII. Employee Status During a Fitness-For Duty Evaluation**

If an employee can continue working without posing a threat to personal or public safety, the employee may be permitted to do so, and will be placed on a modified assignment during the period of time the fitness for duty evaluation is conducted. If this is not possible, the employee may be placed on a leave of absence pending further evaluation. Generally, this leave would be an unpaid medical leave, but in certain circumstances, administrative leave may be appropriate.

An employee ~~shall~~ cannot be returned to work until ~~his/her~~ the employee's condition has been determined to be satisfactory by the City.

If the medical examination reveals a disability as defined in the Americans with Disabilities Act of 1990(Public Law 101-336), the City will then consider any reasonable accommodation that would enable the employee to perform ~~his/her~~ their essential job functions.

**VIII. Confidentiality of Results**

Under the Health Insurance Portability and Accountability Act (HIPPA), any documents containing medical information about an employee is considered a medical record and is regarded as confidential. Records of fitness for duty evaluations will be treated as confidential medical records and maintained separately from an employee's personnel file as outlined in HR Policy B8 HR Information Disclosure. Results of pre-employment and fitness-for-duty evaluations will be received and reviewed by City personnel on a need-to-know basis for the purpose of determining an employee or candidate's ability to perform the essential functions of the job.

Passed this X day of MONTH, 2023.  
Approved this X day of MONTH, 2023.

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Mayor

ATTEST:

\_\_\_\_\_  
City Clerk