

Medical Reevaluation

Departments can request a medical reevaluation when concerns arise regarding whether an employee's health condition may pose a direct threat of harm to others while the employee is on-duty. These concerns can involve the performance of either essential or non-essential duties that potentially impact the safety of others. Examples of such duties would include occasionally driving on County time or operating moving equipment.

Common reasons for seeking a medical reevaluation include the following:

- 1) An employee has suffered a sudden loss of consciousness episode, either on or off duty.
- 2) An employee has suffered a sudden confusional episode, either on or off duty.
- 3) The Department becomes aware that an employee had their driver's license temporarily suspended due to a medical condition.
- 4) The Department becomes aware that an employee has poorly controlled sleep apnea as evidenced by sleepiness on-the-job.

All of the above examples would include instances where the employee files for Workers' Compensation or has an accepted claim for the condition of concern. Being returned to full duty by the Workers' Compensation system does not preclude the County from conducting a Medical Reevaluation. Similarly, Medical Reevaluations can be requested despite full-duty clearance from the employee's personal care provider, or unrestricted licensure from the State D.M.V.

When concerns first arise regarding whether an employee's health condition may pose a direct threat of harm to others, the Department should:

- 1) Take immediate action to eliminate or substantially reduce the threat. This action could include imposing administrative restrictions on the employee's duties.
- 2) Contact an Occupational Health Program (OHP) physician at either (213) 738-2186 or (213) 738-2170 to discuss the case.

If OHP determines that a medical reevaluation is warranted, the Department should continue with the following steps:

1. Prepare a written request for reevaluation to include:
 - Employee's name, date of birth, employee number, item number, position, mailing address, and home or cell phone number.
 - A full description of the Department's concerns. This should include all observations, evidence, hearsay, and relevant job duties.
 - Departmental contact's name, position and telephone number.

2. Tell the employee about the need for a medical reevaluation, pointing out job-relevant issues prompting the referral under County Civil Service Rules (9.07B) and any departmental policies. It is advisable for the Department to confirm communication to the employee in writing. This will minimize potential resulting claims from the employee that he or she was inadequately told about the reason behind the reevaluation.
3. Have the employee sign a short statement consenting to the reevaluation. If possible, attach the consenting statement letter to the formal letter of request to OHP. If obtaining a signature is not possible, the Department should clearly document an employee's verbal agreement on a consent form or in the body of the reevaluation request letter.
4. If an employee refuses to consent to a reevaluation, the Department may seek a formal concurrence from the CEO to administratively order the employee to undergo reevaluation. Following issuance of a CEO concurrence letter, continued refusal to consent or cooperation with a reevaluation should subject the employee to progressive discipline. Note that an employee's refusal to consent does not relieve the Department of its responsibility to take administrative action to reduce the risk of injury to others, nor does it prevent the Department from discussing their concerns with OHP.
5. The Department should forward the request for medical reevaluation to:

Roberto Chavez, Chief Program Specialist
Occupational Health Programs
3333 Wilshire Blvd., Suite 1000
Los Angeles, CA 90010
(213) 351-6433
Fax: (213) 637-0822

Please be aware that medical reevaluations are not done for the following issues:

- a) Poor attendance.
- b) Physical inability to perform duties unless this poses a direct threat to others.
- c) Loss of consciousness, even on a recurrent basis, in an employee who does not perform safety-sensitive duties.

These concerns must be addressed through the interactive process and/or discipline.