



PRE-EMPLOYMENT PHYSICAL EXAM

POLICY HR010, EFFECTIVE 2014-07-17

POLICY STATEMENT

The Minnesota Department of Transportation (MnDOT) is committed to having a diverse, well-qualified workforce and a selection process that ensures that all qualified individuals are given full consideration for employment opportunities based on their training, skills and experience including individuals with disabilities who can perform the essential functions of the job with or without reasonable accommodations.

Some MnDOT positions require the employee to perform various duties that have strenuous physical demands, such as bending, standing, climbing, pulling, and lifting heavy objects. Persons selected for jobs that have significant physical demands must be able to meet the physical qualifications

REASON FOR POLICY

- To establish a fair and objective protocol for pre-employment physical exams that are compliant with applicable state and federal laws, including [Americans with Disabilities Act](#), the [ADA Amendments](#) and the [Minnesota Human Rights Act \(MHRA\)](#), and [The Genetic Information Nondiscrimination Act \(GINA\)](#).
- To ensure that pre-employment physical exams are job-related, consistent with business necessity and limited in scope as to whether the employee can perform essential functions of the job with or without accommodations.

WHO NEEDS TO KNOW THIS POLICY?

- Human Resources (HR) and Affirmative Action (AAO) staffs
- Managers and supervisors who are hiring individuals for positions that require a pre-employment physical exam
- Job candidates who have received a contingent job offer for employment for a position that requires a pre-employment physical exam
- Current employees who either successfully bid on a job or who are moving into a position that requires a pre-employment physical exam

SENIOR OFFICER

Tracy Hatch
Deputy Commissioner/CFO/COO

POLICY OWNER

Karin van Dyck
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POLICY CONTACT

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POLICY HISTORY

2014-07-17, *Established*

[MnDOT Policy Website](#)

DEFINITIONS

Contingent Job Offer

An offer of employment that is conditional based on successful completion of specific job requirements.

Medical Consultant

The medical consultant is MnDOT's medical advisor, a licensed medical physician who is trained as an expert in the field of occupational medicine.

Physical Abilities Test

A set of evaluative measurements or tests, designed to replicate physical activities encountered on the job.

Pre-employment physical exam

A general physical examination and series of work related physical abilities testing.

Reasonable Accommodation

A reasonable accommodation is an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Refer to MnDOT's [Reasonable Accommodation](#) policy for further information.

Service Provider

A service provider is a medical clinic which provides the medical evaluations.

PROCEDURES

The pre-employment physical exam protocols include a medical evaluation conducted by qualified medical professionals. Physical abilities tests have been designed to simulate the specific job demands that the job candidate would expect to experience on the job.

A [MnDOT Referral & Authorization](#) will be completed by a Human Resource staffing professional for each candidate requiring a pre-employment physical exam. The referral and authorization form will be submitted by HR to the Medical Coordinator who will process the referral consistent with established protocols. Genetic information (GINA) information is **not** requested by MnDOT

Job candidates who have received a contingent job offer for a position that requires a pre-employment physical exam [Job List](#)

- The scope of the physical exam will be limited to whether the candidate can safely and effectively perform the essential functions of the job, with or without reasonable accommodation, in compliance with state and federal law.
- The medical consultant will use the pre-employment physical exam to determine if the job candidate can perform the essential functions of the job.

Current employees

[Job List](#)

- The scope of the physical exam will be limited to whether the employee can safely and effectively perform essential functions of the job, with or without reasonable accommodation, in compliance with state and federal law.
- Current employees who have successfully bid or are moving into specific job classifications in a different functional area (such as Maintenance to Bridge, etc.) will be required to complete the pre-employment physical exam.

Temporary and Emergency Employees

- Temporary and emergency employees who return to MnDOT and are returning to the same work assignment as previously served will be required to go through a pre-employment physical exam every two years.

Compliance

- MnDOT will ensure compliance with all applicable laws.

Rescinding job offer

- Persons determined to be unable to perform the essential functions of the job, including current employees, due to a qualified disability will remain under consideration for employment, pending a determination that the person can perform the essential functions of the job with reasonable accommodations.
- Prior to making the decision to rescind the job offer based on the pre-employment physical exam, HR and the AAO office must be contacted.

If a decision is made to rescind the job offer based on the pre-employment physical exam, the candidate must be notified within ten days of the final decision, [Minnesota Statutes 363A.20, Subd.8 "Physical Exam."](#)

RESPONSIBILITIES

Human Resources

- Utilize recruitment and selection measures which are flexible, job-related and consistent with business necessity to ensure consideration of qualified employees with disabilities in recruitment and appointment decisions.
- Ensure that reasonable accommodation requests received in association with the application, interview, and selection processes are responded to promptly and appropriately.
- Ensure proper notification has occurred when a contingent job offer has been rescinded.
- Refer candidates for pre-employment physical exams.
- Ensure reasonable accommodations are considered prior to making a determination that a candidate or employee is unable to perform the essential functions of the position.
- Ensure confidentiality of private data, including medical records and medical information received from the pre-employment physical exam are maintained in a separate, confidential and secure location.
- Serve as MnDOT's liaison with the medical consultant, and service providers.
- Consult with AAO representatives, HR staffing personnel and managers/supervisors for issues that may develop regarding specific pre-employment physical exam, medical service or pending referral.
- Review and approve all billing invoices.
- Monitor and ensure the provisions of the service provider's contract meet MnDOT's specifications.
- Ensure proper resolution of issues involving the medical consultant, HR personnel, and medical facilities is conducted in a timely manner.
- Review and recommend changes to internal policy, practice and procedures, consistent with best practices and applicable law.
- Notify the job candidate if the job offer has been rescinded.

Affirmative Action Office (AAO)

- Ensure that all candidates and employees have ready access to MnDOT's [Reasonable Accommodation](#) policy and access to timely assistance, resources and an interactive process for their accommodation requests.
- Ensure compliance with all applicable laws.
- Ensure confidentiality of private data, including medical records and medical information received in response to reasonable accommodation requests and that such records are kept in a separate, confidential and secure location.

FREQUENTLY ASKED QUESTIONS

Q: *When HR makes a referral, is a Driver's License # or state-issued ID# required?*

A: Yes. Clinics need proof of identification when a person comes in for a pre-employment physical exam. The use of a driver's license or state-issued ID# for identification purposes is needed even when the referral is for a job which does not require a driver's license.

Q: *If the medical consultant reports that the person does not meet the essential functions of the job, is the contingent job offer rescinded?*

A: It depends. If [Reasonable Accommodation](#) can be accomplished which allows the person with a qualified disability to adequately perform the essential functions of the job then the hire will proceed. If however the person cannot perform the essential functions of the job, even with [Reasonable Accommodation](#), MnDOT would rescind the contingent job offer and the person would not be hired.

Q: *Do Student Workers need a pre-employment physical exam?*

A: Yes, but only when the student worker will be assigned to duties which require significant physical demands for example, survey crew, construction, maintenance, etc. It is not the job classification that determines the pre-employment physical exam but rather the actual tasks of the job.

Q: *How can a candidate/employee obtain a copy of his/her pre-employment physical exam information report?*

A: A candidate/employee will need to directly contact the service provider which conducted the pre-employment physical exam to request a copy of the exam results. MnDOT will not release the exam results. Any and all costs attributed to the production of documents, by the service provider, is the responsibility of the requestor.

Q. *If a person has a broken leg or is recovering from rotator cuff surgery etc., is that a qualifying disabling condition which would warrant a Reasonable Accommodation?*

A. No. Temporary conditions, which may interfere with a person's ability to perform the essential functions of the job, do not qualify as requiring a [Reasonable Accommodation](#).

FORMS/INSTRUCTIONS

[MnDOT Referral & Authorization](#)

[Medical Referral Protocols](#)

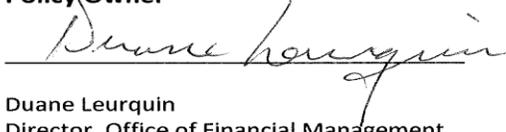
[Interactive Process Checklist and Reminders](#)

RELATED INFORMATION

- [MnDOT Reasonable Accommodation policy](#)
- [Americans with Disabilities Act](#)
- [ADA Amendments](#)
- [Minnesota Human Rights Act \(MHRA\)](#)
- [The Genetic Information Nondiscrimination Act \(GINA\)](#)

POLICY OWNERSHIP AND AUTHORIZATION

Policy Owner



Duane Leurquin
Director, Office of Financial Management

Date Signed May 6, 2014

Governance Council has reviewed this policy and recommends approval



Sue Stein *(on behalf of the Council)*
Division Director, Corporate Services Division

Date Signed 6-19-14

Responsible Senior Officer



Tracy Hatch
Deputy Commissioner/COO/CFO

Date Signed 6.19.14