

**NEW YORK STATE DEPARTMENT OF CIVIL SERVICE  
STATE PERSONNEL MANAGEMENT MANUAL**

**TRANSMITTAL MEMORANDUM NO. 63**

**July 2008**

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**SUMMARY OF REVISIONS OR NEW MATERIAL**

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1. Sections 2605–2635, Employee Health Service (EHS) was updated to reflect changes in addresses and telephone numbers of EHS locations.
2. Information on new EHS programs and services was added.
3. Procedures for requesting examination services were updated.

This Revision replaces all sections issued May 1995 in TM-40 (Sections 2605–2635);  
**NOTE: section 2650 “Employee Suggestion Program” is NOT revised by this TM—do NOT replace Section 2650!**

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**2605 Introduction**

**.1 Background and History**

- .111 The Employee Health Service (EHS) was established in 1962 as part of the Division of Personnel Services and Development in the New York State Department of Civil Service. The program was created in response to a feasibility study of the need for an organized program of health and medical services for State employees, and to consolidate some limited employee health services that were being provided independently by a few State agencies.
- .112 The EHS program has grown from an original staff of 4 employees to approximately 50 employees distributed throughout the State. EHS currently operates medical examination centers in Cohoes (near Albany) and Hauppauge (on Long Island), and approximately 22 nursing stations across the State. EHS also utilizes a number of consultant physicians in various New York State cities. Although the scope of services provided by these units and the emphasis placed on them have changed over the years to reflect trends in health care, the medical examination centers and the nursing stations continue to be the primary vehicles for the delivery of occupational health services to State employees.

**.120 Mission and Goals**

- .121 The mission of EHS is to promote and maintain the highest degree of individual employee health in New York State workplaces.

A. Employee Health Service programs have the following goals:

- Protecting workers from hazards and risks resulting from factors in the workplace adverse to health;
- Providing advice to management and employees concerning the physical, mental and emotional capacity of workers to perform with an acceptable degree of efficiency without endangering their own health and welfare or that of others; and
- Teaching and assisting in measures for personal health maintenance.

- B. In addition to the primary mission of service to State employees and agencies, EHS also provides its full range of services to: (1) agents, independent contractors, students, interns, and consultants; and, (2) employees of quasi-State agencies, authorities and corporations. EHS also provides emergency nursing care to adults and minors who work at or visit the premises on which State activities are conducted.

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C. The specific objectives of EHS are:

- Evaluate the medical capacity of workers to perform their jobs safely and effectively;
- Protect workers from health hazards and risks;
- Promote and enhance employee wellness;
- Assess and treat and/or refer persons in cases of illness or accident.

.130 Program Areas

.131 Employee Health Service activities are divided into four broad categories of services:

A. Health Evaluations and Advisory Services:

- Preplacement physical examinations;
- Mandatory physical examinations;
- Certification of individuals eligible for appointment under Section 55.b/c of the Civil Service Law;
- Evaluation of individuals referred by agencies for medical evaluation of workers' ability to perform the duties of their job (Agency Referrals);
- Employee return-to-work certifications;
- Workers' compensation examinations for employees in selected bargaining units;
- Family Medical Leave Act evaluations;
- Reasonable accommodation requests pursuant to the Americans with Disabilities Act (ADA) and New York State Human Rights Law (Executive Law, Article 15, sections 290-301);
- Examinations to monitor the effect of exposure to toxic substances; and
- Advice to agencies regarding issuance of handicapped parking privileges to employees.

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B. Occupational Health Programs:

- Health screenings (including OSHA-mandated exams);
- Immunization programs;
- Respirator use clearance; and
- Audiometric testing.

C. Assessment and Intervention for Illness and Injury:

- First responder emergency services for serious illnesses and injuries;
- Treatment for minor illnesses and injuries;
- Health-related guidance and counseling; and
- Automatic External Defibrillator (AED) agreements.

D. Wellness Promotion

- Voluntary medical screenings to assist individuals with maintaining good health;
- Health risk assessments;
- Health education; and
- Basic life support/cardiopulmonary resuscitation training.

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**2610 (A) Medical Examinations Center**

**.1 BACKGROUND**

.110 Employee Health Service Medical Examination Centers

- .111 The EHS medical examination program is conducted primarily through its clinical facility in Cohoes. This medical examination center directly performs or makes arrangements for medical evaluations for State employees and agencies, including preplacement physicals, examinations of individuals referred by agencies, and occupational health evaluations.
- .112 The Cohoes medical examination center is a full-time facility located at 55 Mohawk Street, Cohoes, New York 12047. The Long Island medical examination center is operated part time and is located in the Suffolk State Office Building, Veterans' Memorial Highway, Hauppauge, New York 11788. In addition to performing all of the various physical examinations, these centers provide vision, EKG, hearing, pulmonary function, clinical laboratory and other specialized testing services.
- .113 In addition to services provided at its medical examination centers, EHS also utilizes consultant physicians and medical groups to perform health evaluations in cities across the State when agencies pay the examination fee. Physical examination services are available through consultants in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains.
- .114 The Medical Review Unit (MRU) is located in Cohoes. MRU personnel assist in the development of physical and medical standards for New York State job titles requiring such standards; administer physical agility tests; and report the results of preplacement physical and medical examinations to candidates, agencies and the Civil Service Staffing Service Division.

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**2610 (B) EHS Nurse Stations**

**.1 BACKGROUND**

.110 Purpose

- .111 The EHS Nursing Service provides immunizations and screenings, nursing evaluations, health information and counseling, CPR/AED/first aid training, and first responder emergency services to State employees and to employees of quasi-State agencies, authorities and corporations. Nursing stations are located throughout New York State and are staffed by one or more registered professional nurses.
- .112 In addition to services provided for employees, nurses are available to assist agency administrators by participating in new employee orientation programs; serving as resource persons on Health and Safety, Building Evacuation and other agency committees; and offering advice in a variety of employee problem situations that may be health related.

.120 Locations of Stations

Albany—The W. Averell Harriman State Office Building Campus:

- Building 8—ground floor
- Building 12—third floor

Downtown Albany:

- Alfred E. Smith State Office Building—first floor
- One Commerce Plaza—eighth floor
- 110 State Street—first floor
- Ten Eyck Building—first floor
- 625 Broadway—first floor
- SUNY Plaza—first floor
- 200 Southern Boulevard—A level

Albany: Nelson A. Rockefeller Empire State Plaza:

- Concourse Level—Southeast Gallery
- Swan Street Building—Core 2, fourth floor

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**2610 (B) EHS Nurse Stations**

Colonie:

- 50 Wolf Road—first floor

Binghamton:

- Binghamton State Office Building, 44 Hawley Street—seventh floor

Brooklyn:

- 55 Hanson Place—second floor

Buffalo:

- 100 Seneca Street—first floor
- Walter J. Mahoney State Office Building, 65 Court Street—basement

Hauppauge:

- Suffolk State Office Building, Veterans' Memorial Highway—third floor

Jamaica:

- Gertz Plaza, 92-30 Union Hall Street—fifth floor

New York City:

- 345 Hudson Street—seventh floor
- NYS Department of Law, 120 Broadway—fourth floor

Syracuse:

- Senator Hughes State Office Building, 333 E. Washington Street—fourth floor

Utica:

- Utica State Office Building, 207 Genesee Street—fifth floor



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**2615 (A) Maintenance of Medical Records**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 All EHS medical records are classified confidential. Medical records will be released by EHS in accordance with 4NYCRR, Part 82, and Health Insurance Portability and Accountability Act (HIPAA) requirements under the following conditions:
- A. When required by law, court order, or when relevant to pending litigation, administrative proceeding or investigation;
  - B. When there are overriding public health considerations; or
  - C. When an employee or his/her representative submits written authorization for disclosure or access to the employee's medical record. The authorization form must include the name of the individual, a list of the records, the name and address of the person to whom the records are being sent, the purpose and the expiration date of the authorization.
- .112 EHS will provide an agency with a written opinion of its medical findings. A specific diagnosis will be provided only with the consent of the individual employee or candidate. In those instances where an agency requires medical information beyond that which EHS can provide under Paragraph .111 above, such information must be obtained from the specific employee or the employee's private health care provider. Agencies may also obtain information concerning workers' compensation cases from the State Insurance Fund.
- .113 In accordance with Occupational Health and Safety Administration Regulations, EHS retains occupational health medical records for a period of 30 years after an employee is separated from State employment. All other medical and nursing records are destroyed after seven (7) years after the last recorded date of services received.

## **.4 PROCEDURES**

### **.410 Routinely Released Information**

- .411 Following the examination of an employee, EHS will provide a statement of its findings to both the employee and the appointing authority.
- .412 Questions regarding the relevancy of health records to pending litigation, administrative proceeding or investigation should be referred to the Department of Civil Service Office of Counsel.

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**2615 (A) Maintenance of Medical Records**

- .413 When requested, any functional limitations and restrictions affecting the employee's ability to perform the essential duties of his or her position will be provided to the agency so that the agency can make an informed administrative decision concerning the individual's employment status. Appropriate agency representatives are invited to discuss with the EHS physician any information that they believe may not have been considered earlier, where there is reason for the agency to believe the employee is not fit to perform the duties of the position.
  
- .414 EHS will provide an agency with copies of an employee's medical record as required by Section 72 of the Civil Service Law in instances where the employee is appealing an agency's involuntary leave decision. Records will be disclosed to the agency following EHS's receipt of a copy of the employee's appeal letter to the agency. Section 72 requires the agency to provide copies of the medical record to the employee and/or the employee's representative.
  
- .415 An employee who received services at EHS has the right to inspect and copy the medical information maintained. For instructions on how to inspect and/or obtain a copy of personal medical information, ask the EHS nurse at the nurse station or call EHS Medical Records at (518) 233-3100. All requests must be in writing. If a copy is requested, a fee may be charged for the costs of retrieving, copying, and mailing the records.

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**2620 (A) Agency Referral Examinations**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 Examinations are conducted for employees referred by State agencies for a variety of reasons including excessive use of sick leave credits; medical evaluation of employees on extended sick leave; and employees whose work performance may be adversely affected by what appears to be a health or mental condition, alcoholism, or drug abuse. In this situation, EHS provides the referring agency with a determination regarding the employee's capability to perform the essential functions of a job title or assigned duties. The agency may use this determination to make administrative decisions about personnel actions concerning the employee.

NOTE: When an agency places an employee on involuntary leave because of a mental or physical disability pursuant to Section 72 of the Civil Service Law, due process requirements described in that statute must be followed. Medical evaluations may only be performed by a physician selected by the Civil Service Commission. Questions on these matters should be referred to the Office of the Counsel, Department of Civil Service. Additional information concerning Section 72 procedures can be found in SPMM Section 2234 and Policy Bulletin No. 84-03. Information concerning Section 71 and Rule 5.9 can be found in SPMM Section 2200 and Policy Bulletin No. 90-02.

- .112 Location—Agency referral examinations are conducted at the EHS medical examination center in Cohoes and at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. Agencies choosing to have evaluations conducted at locations other than the Cohoes medical examination center or by consultants who are not employees of the Department of Civil Service, must pay the provider's fee.
- .113 Referrals must be made in writing to the EHS Medical Director in Cohoes. EHS personnel do not provide employees with copies of agency referral letters unless the client has requested a copy of the medical record in writing. In those instances where employees claim to be unaware of the reason for the medical evaluation, it may be necessary for the evaluating physician to confront the employee with examples of the behaviors or work-related problems that led to the agency's medical examination request. To accomplish this, the examining physician may paraphrase referral letter information.
- .114 EHS may not withhold information in a medical or nursing record about an individual just because it came from the individual's employing agency. If the source furnished the information under a promise of confidentiality, EHS has

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a responsibility to protect the identity of that source individual. EHS should remove or redact any references to specific names or other information that could expose the source of the information. Only the identity of individuals is protected, not the information they furnished. Agencies should be advised that any information supplied to EHS is subject to access by the employee as part of his/her medical or nursing record. The agency must notify EHS of any need to keep sources confidential.

#### **.4 PROCEDURES**

##### **.410 Arrangements**

.411 A request for an agency referral examination should be made on an EHS-707, Agency Request for Medical Examination and mailed to EHS by the appropriate agency personnel officer. Facsimiles may be sent to (518) 233-3131. The agency **must** include a written narrative outlining the reasons for the evaluation (including all information listed below that is not included on the EHS-707). The extent and precision of the EHS medical report and recommendation in any particular referral depend greatly on the completeness of information provided by the agency prior to examination. All material should be addressed to EHS and marked "confidential." The request should provide as much of the following information as possible:

- Full name of employee
- Social security number
- Date of birth
- Number of years employed
- Address
- Title
- Employee's agency
- Business phone number
- Citation of the Section of Law, Rule, Regulation or Collective Bargaining Agreement authorizing the medical evaluation
- Work and pay status at time of referral
- Reason for referral including a description of the problematic on-the-job behavior
- Pertinent work history

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**2620 (A) Agency Referral Examinations**

- Formal job description, as well as a description of the employee's actual job assignment and tasks which may be listed in the employee's performance program
  - Medical reports from the treating physician or State Insurance Fund
  - Statement as to whether the agency contemplates or is willing to accept job task assignment restrictions or to provide reasonable accommodations
  - Statement as to whether the agency plans or is willing to modify the employee's job assignment upon return to work
  - Name, signature, title, address, phone number, and fax number of the person requesting the examination
  - Name and phone number of the agency's contact person responsible for scheduling the evaluation
  - Date EHS-707 completed
  - Name, address and phone number of the individual approving payment of consulting physician and other fees associated with the evaluation
  - The employee's agency code
  - Cost center code if the agency wishes this information to appear on the consulting physician's billing statement
  - The preferred service location
- .412 If the required information (including the legal basis for the exam, a written narrative, and medical information) is not received by EHS with the EHS-707, the examination will not be scheduled. The agency will be contacted to obtain the required information.

.420 Notification

- .421 EHS will notify the agency personnel office by telephone or e-mail of the date, time and place of the employee's appointment which will be scheduled after an EHS physician reviews the information submitted by the agency. This review determines the type of examination required to make an accurate determination of the employee's fitness and to provide the agency with an estimated cost, if any, of the medical evaluation.

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**2620 (A) Agency Referral Examinations**

- .422 The agency personnel office is responsible for notifying the employee of the appointment and notifying EHS of any cancellation or needed change in the appointment. Agencies may be charged a cancellation fee if employees fail to keep appointments with contract or consultant medical evaluators. Agencies will be charged the full cost of visits if employees fail to appear for their appointments with our psychiatrists/psychologists.
  
- .423 Following the examination, EHS will notify the agency concerning the results of its evaluation of the employee's fitness to perform the essential duties of his/her position. This notification is usually made by letter and mailed to the person requesting the exam. This letter can be faxed, at the agency's request.

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**2620 (B) Drug and Alcohol Testing**

## **.1 BACKGROUND**

### **.110 General Information**

.111 The Employee Health Service, at the request of state agencies, will conduct testing for alcohol and controlled substance abuse for employees and prospective employees. The Policy on Alcohol and Controlled Substances in the Work Place from the Governor's Office of Employee Relations, dated December 7, 1995, states "Use and abuse of alcohol and drugs has a detrimental effect on the productivity, attendance and health of our work force. As a public employer, we must be vigilant to protect the safety and welfare of the public with whom we interact and the employees with whom we work."

- A. As stated in the GOER policy, testing of employees is authorized under Section 72 of the Civil Service Law when the agency has a reasonable suspicion that the employee is unable to perform the essential functions of his or her position as a result of an impairment caused by alcohol abuse or controlled substance abuse. The responsibility for demonstrating reasonable suspicion rests with the employer.
- B. Agencies may, as part of the preplacement process, conduct tests to detect illegal use of drugs with GOER approval. As the American with Disabilities Act does not consider drug testing to be a medical examination, a candidate or applicant can be required to take a drug test before a conditional offer of employment is made.
- C. Employees can also be required to take a drug test when required by law. For example, the Omnibus Transportation Employee Act of 1991 requires periodic testing of certain employees.
- D. The role of the Employee Health Service in drug and alcohol testing is to arrange for the collection and laboratory analysis of the specimen, review and interpret the results, and communicate with the agency about the test outcome.
- E. If specified on the job announcement, applicants are responsible for payment of laboratory fees associated with preplacement drug screens. Agencies may elect to pay the preplacement drug screening fee instead of the employee or candidate. Agencies are responsible for guaranteeing payment of fees for laboratory drug screens for employees.
- F. In certain circumstances, agencies may make arrangements with EHS to have employees tested for alcohol and/or controlled substance abuse during nonbusiness hours under Section 72 of the Civil Service Law and based on reasonable suspicion.

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**2620 (B) Drug and Alcohol Testing**

- .112 Location—Drug and alcohol testing are conducted at the EHS medical examination centers and at the offices of EHS consulting physicians in following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. Tests may also be conducted at nursing stations and by special arrangements at several specimen collection sites located across the State.

**.4 PROCEDURES**

.410 Arrangements

- .411 Preplacement—Where a state agency wishes to conduct preplacement drug and alcohol screening, these tests must be conducted for all prospective employees in that job title. If an agency wishes to have these tests conducted by the Employee Health Service, they must contact the EHS Medical Director to request such screenings. Clearance to perform preplacement drug screening must also be obtained from GOER. In most cases these tests will be performed at the time of the preplacement examination.
- .412 Agency Referrals (Section 72 and Stipulation of Settlements)—When an agency believes that an individual should be tested, the Section 72 procedures outlined in Section 2620(A) SPMM must be followed to refer an individual to EHS. If the request is made pursuant to a stipulation or other agreement between the employee and the agency, a copy of the agreement must be submitted with the request. A written or faxed request must be submitted to the EHS Medical Director. EHS will notify the agency of the date and location of the examination.

At the time of examination, the employee will be asked to sign an authorization consisting of two parts and/or a release and disclosure form. The first part of the authorization is an approval for EHS to administer the test. EHS will not administer the test without the employee's authorization. The second part of the authorization and/or the release and disclosure form allows EHS to disclose the specific test results to the referring agency. If an employee fails to authorize EHS to release test results, EHS will not provide the results to the agency.

- .413. After-Normal Business Hours Testing—Agencies requiring alcohol and/or controlled substance testing during nonbusiness hours must contact the EHS Medical Director at (518) 233-3100 to make such arrangements.



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**2620 (B) Drug and Alcohol Testing**

.420 Notification

- .421 Preplacement—Test results will be reported to the employee and to the agency that made the conditional offer of employment.
- .422 Agency Referrals (Section 72)—Test results will be reported to the employee and to the agency if the employee authorizes release of the information.

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**2620 (C) Worker's Compensation Examinations**

**.1 BACKGROUND**

.110 General Information

- .111 EHS provides examinations and medical evaluations of employees in connection with workers' compensation injuries or illnesses prior to the termination of employees in accordance with Section 71 and Rule 5.9 of the Official Compilation of Codes, Rules and Regulations. (See Section 2620 (H) for information concerning reinstatement following termination.) Rule 5.9 provides that when an employee requests restoration to duty during a workers' compensation absence, the employer may "require the employee to undergo a medical examination, by a physician designated by the appointing authority..." when management is not satisfied that the employee is medically fit to perform the duties of his/her position based on medical information provided by the employee. In the absence of any other information, such as a State Insurance Fund consultant report, an EHS examination may be appropriate.

EHS is available to conduct these examinations at any time that the employee is requesting return to duty during the course of an absence up to and including after management has notified the employee of a pending termination in accordance with Section 71 but before the actual termination date.

EHS is also available to conduct examinations in connection with returning an individual to work on an alternate duty basis.

- .112 Location—Workers' compensation examinations are conducted at the EHS medical examination centers and at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. Agencies choosing to have evaluations conducted at locations other than the Cohoes medical examination center or by consultants who are not employees of the Department of Civil Service must pay that provider's fee.

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**2620 (C) Worker's Compensation Examinations**

**.4 PROCEDURES**

.411 Workers' compensation examinations are processed under the "Agency Referrals Examinations" procedures. (See SPMM Section 2620(A) and Policy Bulletin No. 90-02.)

A. In addition to the required information listed in Item 2620(A), a request for a workers' compensation examination should clearly indicate whether the employee is on workers' compensation leave and should also provide the following information:

- Date of injury
- Circumstances surrounding occurrence
- Duration of absence from work (date)
- Medical reports
- Copy of form C-2
- Previous workers' compensation injuries, if any
- Essential functions of the position
- Actual tasks assigned to the employee

B. This information will enable EHS to render a more accurate and responsive determination regarding the employee's fitness. In addition to notifying the employing agency and the employee of its determination regarding the employee's fitness for work, EHS also provides this information to the Workers' Compensation Board and the State Insurance Fund, provided the agency has clearly indicated to EHS that the employee is on workers' compensation leave and provides the case number.

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**2620 (D) Certification of 55-b/c Candidate Eligibility**

**.1 BACKGROUND**

.110 General Information

- .111 As mandated in Sections 55-b and 55-c of the Civil Service Law, the Employee Health Service certifies whether a person has a physical or mental disability but is capable of performing the essential functions of a position which is designated by the Civil Service Commission to be filled by such an individual.
- .112 Location—§55-b/c certification reviews and employability valuations are conducted at the EHS medical examination center in Cohoes.

**.4 PROCEDURES**

.410 Arrangements

- .411 Individuals are certified for the §55-b/c program based on medical documentation submitted to the Diversity Planning and Management Division.
- .412 An agency considering the appointment of an individual with a disability under Section 55-b/c of the Civil Service Law should contact the Diversity Planning and Management Division of the Department of Civil Service. For certain disabilities, an EHS medical evaluation to determine employability may be required. The Diversity Planning and Management Division will act as an intermediary between the agency and EHS in scheduling the medical evaluation and certification of the individual.
- .413 If a §55-b/c program applicant is a VESID client they may be eligible to receive assistance from that agency in applying to the Department of Civil Service. Applicants should be encouraged to inform EHS and the Diversity Planning and Management Division of the Department of Civil Service if they are VESID clients.
- .414 Candidate requests for appeals of Section 55-b/c certification determinations should be directed to the Civil Service Commission.

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**2620 (E) Mandatory Physical Examinations**

**.1 BACKGROUND**

.110 General Information

- .111 Mandatory physical examinations are conducted periodically for incumbents of positions where the maintenance of good physical condition is required by law or statute. Bus Drivers, Tractor Trailer Drivers and State Police Divers are examples of affected employees.
- .112 Location—Mandatory physical examinations are conducted at the EHS medical examination centers and at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. All agencies will be charged a fee for this service, based on exam type and location.

**.4 PROCEDURES**

.410 Arrangements

- .411 Agencies are responsible for contacting EHS at the appropriate periodic intervals to arrange mandatory examinations for these positions. It is recommended that written requests, utilizing form EHS-792, Agency Request for Mandatory Health Examinations, be submitted to the Cohoes medical examination center at least six weeks prior to the desired date for the examination, and should include the name, social security number (or medical record number) and job title of each person for whom an examination is being requested.

.420 Notification

- .421 EHS will notify the agency personnel office of the results (i.e., certified for the position) following completion of the examination. In addition, the employee and/or the employee's physician will be advised of any health problems.

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**2620 (F) Preplacement Physical Examinations and Physical Ability Testing**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 Preplacement physicals are conducted by EHS only for candidates who have received a bona fide conditional offer of employment to competitive class, non-competitive class, or labor class jobs for which there are predetermined and announced medical and physical standards (see Section 2620(G) "Development of Medical Standards").
- .112 Location—Preplacement physical examinations are conducted at the EHS medical examination centers. Depending upon the specific physical and medical standards for a job title and whether the appointing agency wishes to pay the cost, examinations may also be conducted at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. Agencies choosing to have evaluations conducted at locations other than the EHS medical examination center or by consultants who are not employees of the Department of Civil Service must pay that provider's fee.
- .113 At the time an eligible list is established for a competitive job title which has specific medical standards, a blanket medical restriction is placed on all candidates. Before any appointments can be made, candidates under consideration must be examined by EHS to ensure that they meet the medical standards.
- .114 In the absence of an eligible list, any person receiving a provisional or temporary appointment to a competitive job title which has physical or medical standards must also be examined by EHS.
- .115 Candidates are required to pay the cost of clinical laboratory tests conducted as part of the preplacement physical examination unless paid by the agency. Except when the employing agency makes arrangements to pay laboratory fees, candidates will be required to present a money order payable to the Department of Civil Service. The laboratory fee is waived for candidates who previously received a waiver of the examination application fee.

## **.2 POLICY**

### **.210 Physical Ability Tests**

- .211 EHS will administer preapproved physical ability tests at the time of the preplacement examination. Agencies can request a scope conference to set up such testing, which must be job related.

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- .212 Candidates must satisfactorily complete all elements of the test in order to be certified as passing.
- .213 Candidates who fail the initial test will be rescheduled for a second attempt, approximately 30 days from the initial test. Candidates failing the second attempt are considered to have failed the test.
- .214 Candidates failing both attempts (or who fail the first attempt and do not return for the second attempt) will be removed from the eligible list for one year.

#### **.4 PROCEDURES**

##### **.410 Arrangements**

- .411 An agency offering appointment to candidates to a competitive class job title with established medical standards should follow normal procedures for canvassing the eligible lists. To schedule the examinations, all agencies are required to complete an EHS-769 (5/06), which contains an affirmation by the agency that the candidates have been given conditional offers of employment. The EHS-769 can be printed from the EHS website at [www.cs.state.ny.us/ehs](http://www.cs.state.ny.us/ehs). The request should also include the name, address and social security number of each candidate who is to be examined, and the name and number of the eligible list on which their names appear.
- .412 The completed EHS-769 must be received by EHS prior to the time of a candidate's examination. In the absence of such appropriate documentation, candidates who appear at EHS for a preplacement examination will not be examined.

##### **.420 Notification**

- .421 Based on the geographic location of the jobs and the candidates, EHS will establish the locale for the medical examinations. Once the exam site has been determined, appointments will be set up and confirmed by telephone with the requesting agency. The requesting agency will notify candidates directly. The examination results are mailed directly to the candidates by EHS. After examination of the candidate, EHS will notify the appointing agency, the Staffing Services Representative and the candidate of the disposition.

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- .422 An agency desiring an examination of a candidate for a non-competitive or labor class job for which medical or physical standards have been established, should follow procedures as outlined above. The request should specify the name and social security number of the candidate, and the job for which the candidate is under consideration. Following examination, the agency personnel office will be notified as to whether or not the candidate has qualified.
- .423 In all cases in which preplacement physical examinations are a required part of the selection process, the agency must make a conditional offer of appointment before examination by EHS. In the event that an agency must make a temporary or provisional appointment prior to the completion of the required preplacement physical examination, the agency should advise candidates that permanent appointment is contingent upon successful completion of all parts of the examination. Agencies are strongly urged to avoid making appointments prior to receiving the results of the preplacement examination.



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**2620 (G) Development and Renewal of Physical/Medical Standards**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 EHS staff provide consultation and assistance in the development of medical and physical standards for State job titles that require them. The purpose of establishing physical and medical standards and associated preplacement examinations is to measure the medical fitness of individuals to perform their essential functions without hazard to themselves or others. The results of the examination are also useful to assist individuals in the maintenance or improvement of their health and to establish a baseline record of the condition of the individual at the time of hiring for later use in the detection of the effects of harmful working conditions.

See titles at the end of this section for a listing of the titles for which physical and/or medical standards are currently established.

- .112 Location—Cohoes Examination Center

### **.120 Legal Basis**

- .121 Pursuant to Section 50.4(b) of the Civil Service Law, the Civil Service Department may refuse to certify an applicant who is found to have a physical or mental disability that renders him or her unfit for the performance of the essential functions of the position in which he or she seeks employment, or which may reasonably be expected to render him or her unfit to continue to perform the essential functions of such positions. A physical or mental disability is defined as a physical, mental or medical impairment resulting from anatomical, physiological or neurological conditions that prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques. Other statutes impacting on the establishment of physical and medical standards include the State Human Rights Law, the State Flynn Act, and Sections 503 and 504 of the Federal Rehabilitation Act of 1973 as amended, and the Americans With Disabilities Act. In addition, NYS Executive Order 6 and Executive Chamber Policy Memo 87:14 concerning reasonable accommodations may apply.

### **.130 Principles in Setting Physical and/or Medical Standards**

- .131 The standards developed by the Employee Health Service are based upon the definition of the job tasks and associated working conditions as defined by the agency. The establishment of physical and/or medical standards for a State job title must be in accordance with certain basic principles in order to assure that the standards accurately reflect the minimum qualifications necessary to effectively perform the essential function of the job. These principles are listed below. In the event of challenge to the standards, the

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Employee Health Service must defend the medical aspects of the standard in question but the agency must defend the job requirements upon which the medical standard was based. General principles used to determine the appropriateness of a physical/medical standard include:

- A. The standard must be job related.
- B. The examination, test or procedure used to evaluate a candidate against the standard has a high predictive value and is the most accurate test that is feasible to use.
- C. The examination, test or procedure indicates that the candidate has a strong likelihood of developing a serious injury or illness in the foreseeable future and that the applicant's likelihood of illness or injury represents a significant variation from the general worker population.
  - 1) The results of the test or procedure are unequivocal.
  - 2) The injury or illness to which the candidate is predisposed is severe.
  - 3) There is a high probability that the candidate will develop an injury or illness.
  - 4) The adverse effects on health of the candidate will be manifested in the reasonably foreseeable future.
  - 5) The candidate's individual risk of illness, upon which the exclusionary practice is based, represents a significant variation from the general population.
- D. The disqualification or other adverse personnel action was based on an individualized determination of fitness.
- E. No reasonable accommodations will permit the individual to perform the essential job functions.
- F. It is essential to the agency that employees not suffer or be suffering from an illness or injury that interferes with the ability to perform the essential job functions.

#### **.4 PROCEDURES**

##### **.410 Arrangements**

- .411 The decision to pursue establishment or revision of physical and/or medical standards is usually made by the Civil Service Staffing Representative and the agency personnel officer at the time preparations are begun to hold an examination for a job title. The Staffing Services Representative contacts the

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Employee Health Service to schedule a scope conference with the EHS medical staff to determine the need for establishing or revising standards. Arrangements for payment of clinical laboratory fees, the need for physical ability testing, drug screens, and psychological testing will also be discussed at this time. It is recommended that the conference also be attended by an individual in the job title, an individual who supervises appointees to the title, a representative of the Department of Civil Service Counsel's office and other appropriate Department of Civil Service staff.

- .412 Prior to the scope conference, the agency personnel officer should submit to the Employee Health Service an updated written description of the essential functions of the position for which the examination is being held. This description should be supplemented by written information concerning working conditions and physical abilities related to the job, and specific job function to which these working conditions and physical abilities apply. See 2620(G) for a sample listing of working conditions and physical abilities that may be considered for this purpose.
- .413 If needed, arrangements will be made for EHS representatives to visit the job site to become familiar with the job and working conditions.
- .414 Following the scope conference, draft standards will be prepared by EHS and sent to the Department of Civil Service legal staff, the Staffing Services Representative, and the agency personnel officer for comment and approval. Medical areas typically addressed in the standards include:
- |                       |                           |
|-----------------------|---------------------------|
| Height and Weight     | General Medical Condition |
| Color Vision          | Vision                    |
| Cardiovascular System | Neurological System       |
| Respiratory System    | Musculoskeletal System    |
| Mental Health         | Smell                     |
| Diabetes              | Hearing                   |
| Speech Pathology      |                           |
- .415 Based upon comments received and any additional information, the proposed standards are revised by EHS and, if necessary, recirculated for comment and/or approval.
- .416 Standards are adopted jointly by the agency or agencies that determined the standard to be a bona fide occupational qualification (BFOQ), the Department of Civil Service Office of the Counsel, EHS, and Staffing Services.
- .417 The Staffing Services Representative arranges for the examination announcement to carry a notice informing applicants of the existence of the standards and how to obtain copies of such standards.

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- .418 If there have not been any changes in the essential duties of the position since the last scope conference and if the agency does not require revisions to the current standard, then such standards can be renewed without a scope conference. EHS-983 (which can be found at [www.cs.state.ny.us/ehs](http://www.cs.state.ny.us/ehs)) must be completed and signed by both an agency representative and the Staffing Services representative. This form should be submitted to the EHS Medical Director for approval to renew the current standards. Any standards that are not renewed will expire when the new eligible list becomes effective.

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| <b>CURRENT TITLES WITH ESTABLISHED PHYSICAL/MEDICAL STANDARDS</b> |  |
|---|--|
| Assistant Drill Rig Operator                                      | Park Patrol Officer Trainee                    |
| Associate Industrial Hygienist                                    | Park Ranger (Public Safety)                    |
| Assistant Traffic Signal Mechanic                                 | Parole Officer Trainee , 1                     |
| Associate Radiophysicist  | Police Investigator Academy Cadet (Law)        |
| Associate Safety & Health Engineer                                | Program Education Specialist & Coordinator     |
| Beverage Control Investigator & Trainee                           | Public Health Specialist 1, 2, 3, 4            |
| Boiler Inspector  | Railroad Equipment Inspector                   |
| Bridge Repair Assistant   | Railroad Track and Structures Inspector        |
| Cadet Counselor   | Revenue Crimes Specialist 1, 2, 3 Trainee      |
| Cadet Leader 1, 2   | Safety & Health Inspector Trainee              |
| Campus Public Safety Officer 1                                    | Safety & Security Officer Trainee              |
| Communications Technician   | Secure Care Treatment Aide 1                   |
| Correction Officer Trainee  | Security Hospital Treatment Assistant          |
| Developmental Disabilities SCTA 1                                 | Security Officer (and Spanish Speaking)        |
| Environmental Conservation Officer Trainee 1                      | Security Screener (DSP)                        |
| Excise Tax Investigator   | Security Services Assistant 1                  |
| Facility Parole Officer   | Senior Industrial Hygienist                    |
| Farm Products Grading Inspector 1                                 | Senior Safety & Health Engineer                |
| Fire Protection Specialist Trainee 1, 2                           | Senior Safety & Health Inspector               |
| Forest Ranger 1 (EnCon)   | Ski Lift Operator 1, 2, and Ski Lift Attendant |
| Forest Ranger (Parks)   | Supervising Traffic Signal Mechanic            |
| Highway Maintenance Worker 1                                      | Tour Guide (OGS)                               |
| Industrial Hygienist Trainee 1, 2                                 | Traffic Signal Helper                          |
| Intermodal Transportation Specialist 1, 2                         | Traffic Signal Mechanic                        |
| Investigator (Tax)  | Tree Pruner                                    |
| Law Dept. Investigator Trainee, 1                                 | Tree Pruner Supervisor                         |
| Mapping Technician 2, 3   | University Police Officer 1                    |
| Motor Carrier Investigator (DOT)                                  | Warrant & Transfer Officer                     |
| Motor Equipment Mechanic  | Weights and Measures Specialist 1, 2, 3        |
| Motor Vehicle Inspector, (DOT)                                    | Wilderness Challenge Aide 1,2                  |
| Motor Vehicle Investigator & Trainee (DMV)                        | Youth Division Aide 4                          |
| Narcotic Investigator Trainee 1, 2                                |  |

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**WORKING CONDITIONS**

1. **Inside**—Working under a roof and with all sides protected from the weather.
2. **Outside**—Working outside exposed to the weather—heat, cold, humidity, dryness, wetness, and dust (due to climate rather than other resources).
3. **Low Temperature**—Working in a relatively low average degree of temperature.
4. **High Temperature**—Working in a relatively high average degree of temperature.
5. **Sudden Temperature Changes**—Working where temperature changes of more than 10 degrees may take place.
6. **Low Humidity**—Working under conditions in which the atmosphere contains a low degree of moisture relative to temperature and air movement.
7. **High Humidity**—Working under conditions in which the atmosphere contains a high-degree of moisture relative to temperature and air movements.
8. **Wetness**—Contact with water at site of work.
9. **Slippery Surfaces**—Working where there is a possibility of falling or losing one's footing because of slippery surfaces.
10. **Body Injuries**—Possibility of cuts, bruises, sprains, fractures, or amputation.
11. **High Elevations**—Working above floor or ground level.
12. **Confined Spaces and/or Cramped Body Positions**—Positions in which the worker is narrowly hemmed in, or work which requires awkward or strained positions to perform.
13. **Moving Objects**—Working on or about moving machinery or equipment in the vicinity of vehicles in motion, or near any object that changes place or position whereby the well-being of the worker may be jeopardized.
14. **Vibration**—Exposure of the body, particularly the arms and legs, to sudden jerks and jars or vibration.
15. **Noise**—Working condition in which sound is produced as part of the work process or is a part of the job.
16. **Burns**—Possibility of injuries to the body caused by heat, fire, chemicals or electricity.
17. **Non-ionizing Radiation**—Possibility of exposure to radiation caused by welding flash, microwaves, or sunburn.

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18. **Dust**—Working in an area where the air contains varying quantities of fine, dry particles of earth or matter other than free silica or asbestos.
19. **Silica Dust**—Working in an area which contains free silica or asbestos dust.
20. **Allergenic**—Working in situations with possibility of exposure to common allergy-causing agents such as bee or wasp stings and poison oak, ivy and sumac.
21. **Toxic Conditions**—Exposure to toxins; dusts, fumes, liquids, gasses (aldehydes, other than gasses resulting from plastics fires; or carbon monoxide. the effects of which may be multiplied by smoking or proximity to open flame) which cause general or localized disabling conditions.
22. **Chemical Irritant**—Working in situations where chemical irritants such as fires with plastics may be involved.
23. **Oily**—Using oil or grease in normal performance of work.
24. **Odors**—Working conditions in which worker necessarily comes in contact with noxious air.
25. **Explosives**—Working with or near material which, under certain conditions, is apt to rapidly burst or break up into pieces, accompanied by a noise.
26. **Electrical Hazards**—Possibility of contact with uninsulated or unshielded electrical equipment.
27. **Ionizing Radiation**—Possibility of exposure to radiation from such sources as radioactive isotopes, x-rays, and other nuclear substances.
28. **Infections**—Any infections caused by micro-organisms.
29. **Air Pressure**—Working under a high or low pressure condition caused by atmosphere or compressed air forces.
30. **Working with Others**—Association with others in the course of job performance.
31. **Responsibility for Persons**—Having responsibility for the welfare and lives.
32. **Irregular or Extended Work Hours**—Working under conditions that cause fluctuating work hours.
33. **Continuity**—Work involves activities which, if interrupted, would create a serious problem to the agency, or hazard to the employee, co-workers or the public.
34. **Availability of Medications**—Working conditions are such that employees unable to obtain necessary treatments or medications, may create or contribute to the development of a dangerous situation of the worksite.

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**PHYSICAL ABILITIES**

1. **Static Strength**—This is the ability to use muscle force to lift, push, pull, or carry objects. It is the maximum force that one can exert for a brief period of time. This ability can involve the hand, arm, back, shoulder, or leg.
2. **Explosive Strength**—This is the ability to use short bursts of muscle force to propel one's self, as in jumping or sprinting, or to throw objects. It requires gathering energy for bursts of muscular effort over a very short period of time.
3. **Dynamic Strength**—This ability involves the degree to which the muscles do not fatigue when exerted in repeated or continuous movement. This is the ability to support, hold up, or move the body's own weight repeatedly or continuously over time.
4. **Trunk Strength**—This ability involves the degree to which one's stomach and lower back muscles can support part of the body repeatedly or continuously over time. The ability involves the degree to which these trunk muscles do not "give out", or fatigue, when they are put under such repeated or continuous strain.
5. **Stamina**—This is the ability to exert oneself physically over a period of time without getting winded or out of breath.
6. **Effort**—This is the degree of physical exertion experienced in performing either a single task or a series of tasks.
7. **Extent Flexibility**—This is the ability to bend, stretch, twist or reach out with the body, arms and/or legs.
8. **Dynamic Flexibility**—This is the ability to bend, stretch, twist or reach out with the body, arms and/or legs both quickly and repeatedly.
9. **Mobility**—The capacity to move one's body from place to place. This capacity does not include accuracy, speed, or precise coordination.
10. **Speed of Limb Movement**—This ability involves the speed with which a single movement of the arms or legs can be made. This ability does not include accuracy, careful control or coordination of movement.
11. **Gross Body Coordination**—This is the ability to coordinate the movement of the arms, legs and torso together in activities where the whole body is in motion.
12. **Gross Body Equilibrium**—This is the ability to keep or regain one's body balance or to stay upright when in an unstable position. This ability includes maintaining one's balance when changing direction while moving or standing motionless. This ability does not include balancing objects.



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13. **Arm-Hand Steadiness**—This is the ability to keep the hand and arm steady. It includes steadiness while making an arm movement as well as while holding the arm and hand in one position. This ability does not involve strength or speed.
14. **Manual Dexterity**—This is the ability to make skillful, coordinated movements of one hand, a hand together with its arm, or two hands. These movements are used to grasp, place, move or assemble objects like hand tools or blocks. This ability involves the degree to which these arm-hand movements can be carried out quickly. It does not involve moving machine or equipment controls like levers.
15. **Finger Dexterity**—This is the ability to make skillful, coordinated movements of the fingers of one or both hands and to grasp, place, or move small objects. This ability involves the degree to which these finger movements can be carried out quickly.
16. **Near Vision**—The capacity to see close environmental surroundings.
17. **Far Vision**—The capacity to see distant environmental surroundings.
18. **Visual Color Discrimination**—The capacity to match or discriminate between colors. This capacity also includes differences in color purity (saturation) and brightness (brilliance).
19. **Hearing**—The ability to hear and understand conversation in a quiet environment. This is the ability to hear and understand conversation when it is quiet, such as in a living room, a small group meeting or in a quiet restaurant.
20. **Hearing**—The ability to hear and understand conversation in a noisy environment. This is the ability to hear and understand conversation when there is background noise present such as in a coffee shop at lunch time, in a noisy office or when riding in a car with the windows down.
21. **Hearing**—The ability to tell where sound is coming from. This is the ability to determine the correct location of a sound (with your eyes closed), such as where a car is coming from or where the sound of footsteps are coming from.
22. **Hearing**—The ability to discriminate among environmental (non-speech) sounds. This is the ability to identify environmental sounds such as tappets pinging in a car or different types of power tools.

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**2620 (H) Reinstatement Examinations**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 Under Sections 71 and 73 of the Civil Service Law, employees who were terminated as a result of a physical or mental disability have the right to a reinstatement medical evaluation for the purpose of determining their ability to perform the duties of the position from which they were terminated. The EHS determination is provided to the employee, the former employing agency and Department of Civil Service Staffing Services Division for further action pursuant to Sections 71 or 73.
- .112 Location—Reinstatement medical examinations are conducted at the EHS medical examination center in Cohoes.

## **.4 PROCEDURES**

### **.410 Arrangements**

- .411 A former employee seeking reinstatement after termination under Sections 71 or 73 should be advised by the appointing officer to complete the EHS-705, Reinstatement Examination Request form and send to EHS to request a reinstatement physical examination. The form includes the following information:
- applicant's name and address
  - applicant's social security number
  - telephone number with area code
  - job title and agency from which terminated
  - date of termination of employment
  - whether the termination was due to a compensable illness or injury
  - date of recovery from injury or illness
  - a description of the disabling health condition
  - name and address of treating physician
  - their treating physician must fully complete the back of EHS-705
- .412 Due to the costs incurred by former employees to travel to Cohoes for an exam, EHS will not schedule an exam if the medical information from the former employee's physician clearly indicates he/she cannot perform the essential duties of his/her former position.

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.420 Notification

- .421 EHS will advise the applicant of a date and time of appointment.
- .422 After examination, EHS will notify the employee, the former employing agency and the Staffing Services Division of the determination made concerning the applicant's fitness for reinstatement. Employees will be advised to contact the employing agency if they wish to request a reasonable accommodation.

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**2620 (I) Medical Parking Permit Evaluations**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 At the request of an Agency Medical Parking Application Review Committee (MPARC), the Employee Health Service will assess the need of an employee for medical parking using criteria stated in the New York State Vehicle and Traffic Law and will make a recommendation. The determination is based on the employee's limiting disability and current medical documentation.
- .112 Location—EHS nursing stations (see [2610 \(B\)](#)).
- .113 A limited number of parking spaces are available for employees who have a physical condition or medical impairment that SUBSTANTIALLY limits their mobility and/or ability to commute to work using available parking facilities, public transportation, or other reasonable alternatives such as car-pooling or ride-sharing.
- .114 Medical Parking Permits may be issued up to a maximum of three years. Employees seeking extension of medical parking permits must reapply.

## **.4 PROCEDURES**

### **.410 Arrangements**

- .411 Employees wishing to apply for a medical parking permit must contact the person designated by their agency as the Parking Coordinator. The employee should be given an Application for Medical Parking Permit (Form CS-767) with instructions and Release of Medical Information for Parking Eligibility (Form EHS-958). Both forms can be obtained at [www.ogs.state.ny.us/parking](http://www.ogs.state.ny.us/parking).
- .412 Following receipt of the application with Part I completed and a completed medical information form from the employee, the Parking Coordinator should review the application.
- .413 The Parking Coordinator should forward the application and physician's information to the EHS nursing station serving the employee's work location and set up an appointment.
- .414 The Health Service Nurse will interview the employee and evaluate the medical documentation supporting the medical parking permit request. The EHS Nurse will have the employee complete a release form, allowing the nurse to discuss the employee's medical status with the MPARC. The EHS nurse will provide an assessment of the employee's condition to the MPARC.
- .415 After the appointment, the MPARC will meet to determine the employee's eligibility for medical parking and, if necessary, the most appropriate parking location.

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- .416 The Parking Coordinator will complete the application (Part II, III, and IV) and forward the application form to OGS Parking Services or to the office where parking assignments are made for the employee's work location.
- .417 Based upon the information provided, OGS Parking Services will assign an expiration date and the parking location to the applicant as appropriate. Copies of the form will be forwarded to the applicant, the Agency Parking Coordinator, the Affirmative Action Officer and the Health Service Nurse.
- .418 Employees may appeal a medical parking permit determination or parking space assignment. Employees should appeal to the Parking Coordinator. The appeal should include the reasons why the employee feels a reevaluation is necessary and any additional medical documentation. The MPARC shall review the appeal request. If deemed appropriate by the MPARC, the parking application, medical information form, and EHS nursing chart should be forwarded to the EHS Medical Director for review. The EHS Medical Director will provide the MPARC with a recommendation that may concur with the MPARC recommendation, revise the MPARC recommendation as medically appropriate, or recommend the employee be scheduled for a medical examination.
- .419 Parking Coordinators should periodically review the status of employees who have been assigned medical parking permits to determine if the permits are still necessary.

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**2620 (J) Family Medical Leave Act Second Opinion Request**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 Employees may request Family Medical Leave Act (FMLA) leave to care for the employee's seriously ill spouse, son, daughter, parent, or due to the employee's own serious health condition that makes the employee unable to do the duties of his or her position. (See Attendance and Leave Manual Policy Bulletin No. 94-01 for general information on the kinds of circumstances under which FMLA leave must be granted, determining eligibility and procedures to be followed when such leave is requested.) Where an employee requests FMLA leave to care for a seriously ill family member or because of the employee's own serious health condition, employers may require such request to be supported by a medical certification issued by the health care provider of the employee or the employee's ill family member. (See Medical Certification Form, Attachment B, Policy Bulletin No. 94-01.)

If an employee submits an incomplete medical certification, agencies must so advise the employee and provide him or her with a reasonable opportunity to provide the missing information. If the employee submits a complete certification signed by a health care provider, an agency may NOT request additional information from the health care provider. If an agency has a valid reason to doubt the validity of a medical certification, they may request EHS to render a second medical opinion. In the case of a request to care for a seriously ill family member, EHS, based on its review of the medical certification submitted, will provide an opinion as to whether the family member has a "serious health condition" and whether the employee is "needed to care for" the family member, as those are defined under the FMLA.

In the case of a request for leave due to the employee's own serious health condition, EHS, based on its review of the medical certification submitted, will provide an opinion as to whether the employee has a "serious health condition" as defined under FMLA.

- .112 Location—FMLA reviews are conducted at the EHS medical examination center in Cohoes.

## **.4 PROCEDURES**

### **.410 Arrangements**

- .411 FMLA reviews will be processed under "Agency Referral Examinations" procedures. See SPMM Section 2620 (A) and Attendance and Leave Manual Policy Bulletin No. 94-01.

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**2620 (J) Family Medical Leave Act Second Opinion Request**

- A. A completed EHS-707, Agency Request for Medical Examination, and Form WH-380, Medical Certification Form or its equivalent, must be sent to EHS.
- B. This information will allow EHS to render an opinion as to whether the employee's request for leave qualifies under the FMLA. EHS will notify the employing agency of their opinion. The employing agency makes the administrative decision to approve or disapprove the employee's FMLA leave request.
- C. If the opinion of EHS and the employee's health care provider differ, the employee may request that the employer obtain certification from a third health care provider at the agency's expense. EHS will provide the agency with a list of physicians who are available to render third opinions. The third opinion provider must be agreed to by both the employee and the employing agency.
- D. The decision of the third party opinion provider is binding on both parties.

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**2620 (K) Reasonable Accommodation (ADA)**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 At the request of State agencies, EHS will conduct medical evaluations of current and prospective employees who have requested a reasonable accommodation pursuant to the Americans with Disabilities Act (ADA) and NYS Human Rights Law (HRL). The role of EHS is limited to identifying the functional limitations and restrictions imposed by the individual's alleged disability. Based upon this information, the agency is responsible for determining whether the current or prospective employee is an individual with a disability within the meaning of the ADA and/or HRL, and whether or not the accommodation requested is reasonable. Additional information can be found in SPMM Advisory Memorandums No. [92-03](#) and No. [93-03](#).
- .112 Location—Reasonable accommodation evaluations are conducted at the EHS medical examination centers and at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. Agencies choosing to have evaluations conducted at locations other than the Cohoes medical examination center or by consultants who are not employees of the Department of Civil Service, must pay that provider's fee.

## **.4 PROCEDURES**

### **.410 Arrangements**

- .411 ADA evaluations are processed under the "Agency Referrals Examinations" procedure (see SPMM Section 2620(A)).

### **.420 Notification**

- .421 EHS will notify the agency of the results of its evaluation of the employee's claimed disability. Where appropriate, the EHS may make a recommendation regarding reasonable accommodations that may be made. These are advisory opinions, and the final decision as to what is and what is not an appropriate accommodation is made by the agency.



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**2625 (A) Emergency Care**

**.1 BACKGROUND**

.110 General Information

- .111 Health emergency procedures for buildings where nursing stations are located are established by the EHS nurse, in conjunction with building and/or agency management and various health and safety committees. Written health emergency procedures should be prominently posted, and employees encouraged to become familiar with them. Procedures should be reviewed and recirculated every six months.
- .112 Location—EHS nursing stations (see [2610\(B\)](#)).
- .113 For assistance in setting up or reviewing health emergency procedures, contact the appropriate EHS nursing station.
- .114 Agencies in Albany that are serviced by the State Police should dial "911" in all emergency situations and the police will notify the nurse when the emergency is health related.
- .115 To obtain emergency care in the absence of a prearranged procedure, call the nearest EHS nursing station. The caller should provide the following information to the nurse: name of victim, exact location, and pertinent information regarding the victim's condition.

**.4 PROCEDURES**

.410 Arrangements

- .411 When an employee is in acute distress, it is vital that the EHS nurse as well as emergency responders be contacted immediately. Employees should call "911" or its equivalent first, and then call the EHS nurse.

The EHS nurse is qualified to:

- provide basic life support to a person in cardiac/respiratory arrest, including defibrillation, and/or care for both serious and minor health emergencies;
- determine what further services are needed.

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**2625 (B) Care of Illness and Injury**

**.1 BACKGROUND**

.110 General Information

.111 EHS nurses are skilled in caring for ill or injured persons. EHS nursing stations are equipped to provide treatment for minor illness and injury, as well as for more serious conditions (See 2625(A)). In the course of providing such care, EHS nurses accomplish a variety of objectives:

- Relief of distress for employees;
- Prevention of unnecessary absences from the workplace for non-emergencies;
- Familiarization with the employee population and their various health problems and needs.

.112 Location—EHS nursing stations (see 2610(B)).

**.4 PROCEDURES**

.410 Arrangements

.411 An employee who is injured or becomes ill on the job or who has a nonwork-related illness or injury, may be referred to the EHS nursing station for assessment. After assessment, the nurse will provide treatment, if necessary, and advise the employee of any other care or follow-up that is needed.

.412 When requested by an employee, the EHS nurse will provide verification of a visit to the nursing station on form EHS-715, which the employee may give to his/her supervisor. Using this form, the nurse may make recommendations regarding the employee's ability to return to work, follow-up visit scheduling or whether completion of an accident/incident report is recommended.

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**2630 (A) Health Education and Screening Programs**

**.1 BACKGROUND**

.110 General Information

- .111 A major function of EHS nurses is to conduct or assist in organizing and presenting group educational sessions on health-related topics, such as:
- Nutrition and Weight Management
  - Stress Management
  - Self-Cancer Detection
  - Stop Smoking Programs
  - Informal Home Care for the Elderly
  - Parenting—Birth through Teen Years
- .112 Screening programs for early disease detection, which may include testing for hypertension, diabetes, colo-rectal cancer and others, can also be provided. Findings from these tests can identify possible topics for educational sessions.
- .113 Location—EHS nursing stations (see 2610(B)). Other locations may also be arranged.

**.4 PROCEDURES**

.410 Arrangements

- .411 Contact the appropriate EHS nursing station for information concerning available educational presentations and screening programs. If a need is perceived for a program on a particular health-related topic, the personnel officer should contact the EHS nursing station to discuss the most effective method of providing such information to employees.
- .412 EHS nurses are also available to provide information on particular health issues or problems to agency personnel officers on an as-needed basis.

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**2630 (B) Health Guidance and Counseling**

**.1 BACKGROUND**

.110 General Information

- .111 EHS nurses offer health guidance and supportive counseling designed to help employees identify or better understand the factors creating an actual or potential health or related problem. The nurse either assists them in finding solutions or methods of coping with ongoing problems, or directs them to appropriate assistance. This service may be requested by an employee or provided following referral from a supervisor or personnel officer.
- .112 Location—EHS nursing stations (see 2610(13)). Health guidance is given at the time a problem is presented in the station. Counseling is provided by appointment.

**.4 PROCEDURES**

.410 Arrangements

- .411 An employee who indicates a need for health-related counseling, either verbally or through on-the-job actions, should be advised of the availability of the counseling service. The employee should be encouraged to make an appointment and be given specific directions for locating the appropriate EHS nursing station. Once the employee has made an initial appointment, the supervisor or the personnel officer should supply the EHS nurse with any pertinent information regarding the employee so that the problem may be addressed quickly.
- .412 An immediate referral to the appropriate EHS nursing station should be made if there is a health problem in the work area, such as scabies, lice infestation, hepatitis, measles, tuberculosis or other suspected serious communicable or infectious disease. Ongoing problems, such as consistently offensive body odor, extreme drowsiness, peculiar behavior or other such conditions, may be referred to the nursing station when conferences between the employee and supervisor have been ineffective in resolving the problem.

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**2630 (C) Nurse Referrals**

**.1 BACKGROUND**

.110 General Information

- .111 When an EHS nurse sees an employee whom it is believed will benefit from an examination at an EHS examination center, a nurse referral may be made. The results of the examination are confidential. Such nurse referral does not occur frequently, but when it is used, cooperation of the agency personnel office in permitting the employee to attend the EHS examination without charge to accruals is recommended. In many cases, the result of a nurse referral is an increase in the well-being and productivity of a formerly troubled employee.
- .112 Location—EHS nursing stations in Cohoes (see 2610(B)). Referrals are made to the Cohoes medical examination center.

**.4 PROCEDURES**

.410 Arrangements

- .411 The initiative in making a nurse referral is always taken by the EHS nurse as a result of a professional assessment of an employee's condition and need. An agency cannot compel an employee to seek or comply with a nurse referral examination. The employee's participation is voluntary.
- .412 When an Albany EHS nurse assessment indicates that a referral for examination is advisable, the nurse will make an appointment at the Cohoes medical examination center and contact the employee's personnel office to advise the agency of the need for leave for the employee. This is done under strict confidentiality. Under no circumstances can the nurse give the personnel office any information concerning the employee's condition.

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**2630 (D) Parenting Support**

**.1 BACKGROUND**

.110 General Information

.111 The EHS nurse provides support to pregnant and nursing women, prospective fathers, and/or employees whose families are undergoing change. This parenting support is offered to assist employees in their dual role of working productively while carrying out family responsibilities.

.112 Location—EHS nursing stations (see 2610(B)).

**.4 PROCEDURES**

.410 Arrangements

.411 Individualized assistance is usually initiated and provided by the EHS nurse when a need is perceived. Agency personnel officers who become aware of an employee needing parenting assistance may contact the nursing station for an appointment, or the employee may do this directly.

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**2630 (E) Risk Factor Assessments**

**.1 BACKGROUND**

.110 General Information

.111 Identification of lifestyle risk factors and potential or actual occupational risk factors is an ongoing, integral part of all employee contacts with the EHS nurse. Employees are counseled concerning appropriate measures that they can take to reduce their lifestyle risk factors or to resolve their potential or actual occupational risk factors.

.112 Location—EHS nursing stations (see [2610\(B\)](#)).

**.4 PROCEDURES**

.410 Arrangements

.411 Risk factor assessments are usually done in conjunction with other wellness assessment initiatives. Participation by employees is voluntary.

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**2630 (F) Wellness Assessment Programs**

## **.1 BACKGROUND**

### **.110 General Information**

.111 EHS nurses are available to provide State employees with periodic voluntary wellness assessments programs. In addition to providing this service at the nursing station, nurses also conduct, as time permits, outreach programs at other locations.

A wellness assessment may include:

- Review of personal history and body systems
- Height, weight
- Blood pressure, pulse
- Urine glucose (sugar)
- Blood glucose (sugar)
- Blood work
- Immunization history
- Allergy history
- Risk factor assessment
- Counseling, guidance, referral
- Follow-up

.112 Location—EHS nursing stations (see 2610(B)). Other locations can also be arranged.

.113 Wellness assessments are set up in collaboration with agency personnel officers and Employee Assistance Program Coordinators.

Factors that should be considered in determining whether a wellness assessment program would be beneficial include:

- High rate of absenteeism
- Low rate of productivity
- Low employee morale

Educational presentations may be arranged to address specific needs identified during the assessment program (see [2630\(A\)](#)).

## **.4 PROCEDURES**

### **.410 Arrangements**

.411 To request a Wellness Assessment Program for employees of an agency, contact the Nursing Administration Office at (518) 233-3112 in Cohoes. Nursing Administration will arrange a mutually convenient time and delivery site.



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**2635 (A) Immunization and Skin Testing Services**

**.1 BACKGROUND**

.110 General Information

- .111 Immunization and screening programs are conducted on a regular basis for employees of State agencies whose work environment places them at risk for exposure to certain infectious diseases, such as tuberculosis, rabies and hepatitis B. In addition, EHS nurses can provide special immunizations, as appropriate, for State employees who may experience unusual exposures.
- .112 Location—EHS nursing stations (see [2610\(B\)](#)) and the EHS medical examination centers. Other sites can be arranged.
- .113 Employees are also advised and counseled regarding the need for immunization in relation to disease contacts at the worksite.
- .114 Tuberculosis skin testing and appropriate referral may be conducted when an active case is diagnosed.

**.4 PROCEDURES**

.410 Arrangements

- .411 To make appointments for established immunization and skin testing programs, contact the appropriate EHS nursing station. To set up a new program, contact Nursing Administration at (518) 233-3112 in Cohoes.

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**2635 (B) Occupational Health Physical Examinations**

## **.1 BACKGROUND**

### **.110 General Information**

- .111 Physical examinations and testing are arranged for employees exposed to hazardous waste, arsenic, heavy metals, lead, PCBs, toluene, pesticides, hepatitis, hydrocarbons, asbestos, noise, etc. The range of services includes urine tests, blood tests, audiometry, spirometry, chest x-rays, and complete physical examinations conducted or overseen by an EHS physician.
- .112 Location—Occupational health medical examinations are conducted at the EHS medical examination centers and at the offices of EHS consulting physicians in the following cities: Binghamton, Buffalo, Elmira, New York City, Plattsburgh, Poughkeepsie, Rochester, Stony Brook, Syracuse, Utica, Watertown, and White Plains. All agencies will be charged a fee for this service, based on exam type and location.

## **.4 PROCEDURES**

### **.410 Arrangements**

- .411 A request for an occupational health physical examination and/or testing should be made on an EHS-699, Agency Request for Occupational Health Examination and mailed or faxed to EHS by the appropriate agency personnel, health and safety, or employee relations officer. A copy of an EHS-699 can be obtained at [www.cs.state.ny.us/ehs](http://www.cs.state.ny.us/ehs). Facsimiles may be sent to (518) 233-3131. A separate request should be submitted for each group for whom occupational health physical examinations are required. The request should contain the following information:
- Name, title, address, telephone number, and fax number of person requesting the evaluation.
  - Preferred service location where the agency would like to have the medical evaluation performed.
  - Name and telephone number of the agency's contact person responsible for arranging the evaluation.
  - Name, address, and telephone number of the individual approving payment of fees associated with the evaluation.
  - The employee's agency code.
  - Cost center code if the agency wishes this information to appear on the consulting physician's billing statement.
  - Completion of the Exposures/Services and Respirator Type sections of the EHS-699, as appropriate.
  - Completion of the Special Scheduling Requirements, as needed.
  - A list of the names and social security or medical record numbers of each group of employees for whom the medical services are requested should be attached

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2635 (B) Occupational Health Physical Examinations**

.420 Notification

- .421 EHS will notify employees of all significant abnormal results and advise follow-up with their physicians as needed.
- .422 EHS will complete an EHS-701.3, Employer Medical Examination Report as Required by OSHA and send it to the agency. This report outlines occupationally related findings.

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2635 (C) Suspected Communicable Disease Episodes**

**.1 BACKGROUND**

.110 General Information

.111 When the presence of communicable disease is suspected in the job site, recommendations are made to both the client and the line supervisor by the nurse in order to prevent possible transmission of the condition.

.112 Location—EHS nursing stations (see [2610\(B\)](#)).

**.4 PROCEDURES**

.410 Arrangements

.411 Communicable disease suspicions are reported to the nurse at the nursing station. All actions are carried out while maintaining client confidentiality.

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**2635 (D) Building and Job-site Observations**

**.1 BACKGROUND**

.110 General Information

.111 Building and job site observations familiarize the nurse with the actual and potential hazardous areas within the nursing station's jurisdiction to enable the nurse to respond promptly if called in an emergency.

.112 Location—EHS nursing stations (see [2610\(B\)](#)) and surrounding jurisdictions.

**.4 PROCEDURES**

.410 Arrangements

.411 The nurse will contact the agency representative responsible for employee health and safety.

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2635 (E) Health and Safety Committee Participation**

**.1 BACKGROUND**

.110 General Information

.111 The Employee Health Service nurse is available to participate as a resource person on agency health and safety committees. Information and advice related to this area are available from EHS, which is committed to protecting employees from biological, chemical and physical hazards in the workplace.

.112 Location—Buildings where EHS nursing stations are located (see [2610\(B\)](#)).

**.4 PROCEDURES**

.410 Arrangements

411 The agencies are encouraged to invite the Employee Health Service nurse to participate as a resource person on their health and safety committee.

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**2635 (F) CPR/AED and First Aid Training**

**.1 BACKGROUND**

.110 General Information

- .111 Legislation signed in 1998 created the Public Access Defibrillation (PAD) Program in New York State. This program permits trained but unlicensed individuals to respond to sudden cardiac arrests. Additionally, an amendment to the Public Buildings Law requires all public buildings in New York State to be equipped with on-site cardiac-automated external defibrillators (AED).
- .112 An AED operator must know how to recognize the signs of a sudden cardiac arrest, when to activate the EMS system, and how to perform cardio-pulmonary resuscitation (CPR). Volunteers are required to attend a training class approved by the American Heart Association or other training provider approved by the NYS Department of Health.
- .113 EHS nurses are certified to conduct American Heart Association Heartsaver CPR and AED certification courses and first aid classes.
- .114 Location—Classes are taught at agency work sites throughout New York State. All agencies will be charged a fee for this service.

**.4 PROCEDURES**

.410 Arrangements

- .411 To schedule CPR/AED training, contact EHS Nursing Administration at (518) 233-3112.

.420 Notification

- .421 EHS will notify the department or agency of all employees who have successfully completed CPR/AED and first aid training requirements and prepare for each employee an identification card indicating that the individual is certified to perform CPR, first aid and use an AED for a period of two (2) years.

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2635 (G) Public Access Defibrillation Programs**

**.1 BACKGROUND**

.110 General Information

- .111 Pursuant to Chapter 552 of the Laws of 1998 authorizing Public Access Defibrillation, agencies should identify a physician knowledgeable and experienced in emergency cardiac care to serve as emergency health care provider (EHCP).
- .112 Agencies must work with the EHCP to develop a written collaborative agreement (CA).
- .113 EHS physicians are able to provide EHCP services to State agencies and develop CA with such.

**.4 PROCEDURES**

.410 Arrangements

- .411 To arrange for EHCP services and to develop CA with EHS physicians, contact the EHS Medical Director at (518) 233-3100.



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**2635 (H) Respiratory Mask Program**

**.1 BACKGROUND**

.110 General Information

- .111 Pursuant to 29 CFR 1910.134, the OSHA Respiratory Protection Standard, any employee required to use a respirator (including dust mask type) must be certified as being medically able to use such respirator.
- .112 EHS can provide respirator use certification by either review of the OSHA Respirator Questionnaire or by an occupational health examination (see SPMM 2635(B)).
- .113 Location—Review of OSHA Respirator Questionnaires is conducted at the EHS medical examination center in Cohoes. Occupational health exams are conducted throughout the state, as noted in Section 2635(B).

**.4 PROCEDURES**

.410 Arrangements

- .411 Agencies requesting occupational health exams should refer to Section 2635(B).
- .412 Agencies requesting certification using the OSHA Respirator Questionnaire should contact EHS at (518) 233-3100 to obtain a copy of the EHS policy and a supply of questionnaires.
- .413 Upon receipt of EHS-701.8, Medical Assessment for Respirator Use, completed by the employee, EHS will determine if the employee is able to use various types of respirators.

.420 Notification

- .421 EHS will complete a medical certification for respirator use and forward it to the requesting agency.