

**McCLOUD COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Employment Entrance Program  
**POLICY NUMBER:** 2280  
**ADOPTED:** January 26, 1998  
**REVIEWED:** 10/28/2013; 11/12/2013; 11/12/2015; 06/13/2018  
**AMENDED:** November 12, 2013, March 25, 2019

**2280.10** All applicants for employment shall be physically qualified to perform the essential functions of the position for which employment is being sought. All applicants for employment shall submit to a medical examination, lab tests, drug screening after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant. The medical examination shall be completed by a medical doctor at a Board Approved Medical Facility to determine the applicant's ability to perform all job related physical activity requirements. The District will condition the offer of employment on the results of such examination and testing.

Employers are authorized by federal and state law to require a medical examination , Drug & Alcohol test, preemployment background screening, and Live Scan fingerprinting for prior criminal convictions, after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examinations if:

**2280.11** All applicants for employment in similar positions are subject to such examinations regardless of disability.

**2280.12** Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

**2280.121** Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

**2280.122** First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

**2280.123** Government officials investigating compliance with the federal or state law shall be provided relevant information on request.

**2280.20** The District has determined that all applicants for full-time positions must be

examined by a medical doctor to determine the applicant's ability to perform the job related physical activity requirements of the job prior to the commencement of employment duties by the applicant.

**2280.30** The District shall prepare and have on file a written job description for each employment position in the district which describes the essential functions of the job including the responsibilities, tasks, duties and qualifications for such position. In addition to the job description, the District shall also prepare a specification of the different types of physical activities required in the performance of each job such as lifting, bending, stooping, pushing, pulling, et cetera and the frequency that such physical activities will be required on a daily basis. The physical activity requirements should be developed by the District in consultation with those employees that are now performing the job in the district.

**2280.40** Whenever the District accepts applications for a job opening, it shall include as part of any notice concerning the job opening, a general description of the essential functions and physical activity requirements of such job and a statement that the District will require that applicants be examined by a medical doctor to determine an applicant's ability to perform the job-related functions of the job prior to the commencement of employment duties by the applicant. The District shall review the job description and the physical activity requirements with each job applicant at the time of the job interview and each applicant is required to read and sign the Statement by Applicant included herein as Attachment A.

**2280.50** The District shall appoint a local medical doctor or medical facility to perform the employment entrance medical examinations for the District on a regular basis. This may be the same medical doctor or medical facility to which the District refers employees with on-the-job injuries for treatment.

**2280.51** At the time an offer of employment is made to a job applicant for a regular District position, and prior to the commencement of employment duties, the District shall condition the offer of employment on the results of the employment entrance medical examination, Drug & Alcohol test and Live Scan. The examination should be scheduled as soon as possible after the conditional offer of employment.

**2280.60** Prior to the employment entrance medical examination, the District should send to the medical doctor or medical facility that will perform the examination, the job description and physical requirements form, which relate to the position for which applicant has been conditionally employed and which has been signed by the applicant. After completing the medical examination, the medical doctor must complete the Statement of Physician form, included herein as Attachment B, stating his/her opinion as to whether applicant is or is not medically able to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodations. If the medical doctor deems it necessary to review prior medical records of the applicant in order to reach an opinion as to whether or not the applicant is medically able to perform the job related functions of the job applied for, the District shall request the applicant to complete a Medical Records Release Form

to enable the medical doctor to review such records and determine whether the applicant's prior medical condition impacts the applicant's ability to perform the job related functions of the job. Refusal of an applicant to execute a Medical Records Release Form for the purpose of completing the employment entrance medical examination will disqualify the applicant consideration for employment. The medical doctor should then immediately return to the District, by mail, the completed job description form in an envelope marked "Confidential". The medical doctor may also provide to the District a written report concerning his/her evaluation of any medical conditions affecting applicant's ability to perform the job-related functions of the job applied for and any recommendations concerning reasonable accommodation to enable an applicant with a disability to perform all of the job related functions of a particular job.

**2280.70** The District must consider the Statement of Physician and any written report concerning the Employment Entrance Medical Examination, Drug and Alcohol test and Live Scan in determining whether the conditions of employment have been met.

**2280.80** Reasonable accommodations to any disabling conditions of the applicant will be considered if not imposing undue hardship on the operation of the business of the District. The burden of establishing undue hardship is upon the District. Several factors may be considered in determining undue hardship including:

**2280.81** The nature and cost of the accommodation.

**2280.82** The overall financial resources of the District or the services involved.

**2280.83** The number of persons employed at the District.

**2280.84** The effect of such accommodation on the operation of the District.

**2280.85** The overall size of the District and the number, type and location of its facilities.

**2280.86** The type of operation or operations of the District, including the composition, structure and functions of the work force.

**2280.90** The District shall not require a medical examination or make inquiry of an applicant as to whether such applicant has a disability, or as to the nature or severity of the disability, or ask general questions concerning the physical condition of an applicant, unless such examination or inquiry is job related and consistent with business necessity.

**2280.100** Pre-Employment Background Screening

The District may require pre-employment background screening for certain positions after an

offer of employment has been made to a job applicant and prior to commencement of the employment duties of such applicant. The District will condition the offer of employment on the results of such background investigation. A pre-employment background check is a sound business practice that benefits everyone. It is not a reflection on a particular job applicant.

All screenings are conducted in strict conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, and state and federal anti-discrimination and privacy laws. All reports are kept strictly confidential and are only viewed by individuals in the District who have direct responsibility in the hiring process. All screening reports are kept and maintained separately from an employee's personnel file. Under the Fair Credit Reporting Act (FCRA), all background screenings are done only after a person has received a disclosure and has signed a release. Any applicant who refuses to sign a release form will not be eligible for employment.

A job applicant has certain legal rights to discover and to dispute or explain any information prepared by a third party background screening agency. If the District intends to deny employment wholly or partly because of information obtained in pre-employment check conducted by the District's consumer reporting agency, the applicant will first be provided with a copy of the background report, a statement of rights, and the name, address, and phone number of the consumer reporting agency to contact about the results of the check or to dispute its accuracy.

The District also reserves the right to conduct a background screening any time after employment to determine eligibility for promotion, reassignment or retention in the same manner as described above.

Background checks may include verification of information provided on the completed application for employment, the applicant's resume or on other forms used in the hiring process. Information to be verified includes, but is not limited to, social security number and previous addresses. The District may also conduct a reference check and verification of the applicant's education and employment background as stated on the employment application or other documents listed above. The background check may also include a criminal record check. If a conviction is discovered, a determination will be made whether the conviction is related to the position for which the individual is applying or would present safety or security risks before an employment decision is made. A criminal conviction does not necessarily automatically bar an applicant from employment.

Additional checks such as a driving record or credit report may be made on applicants for particular job categories if appropriate and job related.

## **MCSD 2280 A – STATEMENT BY APPLICANT**

*Applicant Read and Sign*

I hereby certify that I have no previous medical history or disability which would prevent me from performing the essential job functions or the physical activity requirements of the job for which I am applying. I have reviewed a copy of the physical activity requirements for this position.

I understand that the District will require me to be examined by a medical doctor selected by the District to determine my ability to perform the job-related functions described in the physical activity requirements for this position as a condition of any offer of employment by the District.

I further understand that any false statement or material omission by me in connection with such medical examination or concerning my job related physical abilities will disqualify me from employment or be cause for dismissal when the false statement or omission is discovered.

*I understand that the District will require me to have a Live Scan for this position as a condition of any offer of employment by the District.*

I have received a copy of the District Statement of Drug Abuse Policy and consent to testing for the following drugs: Cocaine, Methamphetamines, Amphetamines, Marijuana, Opiates, PCP and Alcohol.

I hereby authorize the release of all medical information obtained during any medical examination to the McCloud Community Services District.

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(Signature of Applicant)

Date \_\_\_\_\_

**MCSO 2280 B – STATEMENT BY PHYSICIAN**

I have considered the Job Description and its associated Physical Activity Requirements to fulfill the \_\_\_\_\_ position in my medical examination and evaluation of this applicant and his/her ability to perform the functions as stated. In my opinion, the applicant:

- is medically able to perform the job related functions as set forth in the job description
- is not medically able to perform the job related functions as set forth in the job description
- is medically able to perform the job related functions with the reasonable accommodations set forth below:

Comments and Recommendations

Give an evaluation of any conditions affecting applicant’s ability to perform the job related functions and any recommendations concerning reasonable accommodations.

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(Signature of Examining Physician)

Date \_\_\_\_\_