



MEDICAL GUIDELINES AND MEDICAL EVALUATION PROTOCOL

**Office of Probation and Pretrial Services
Administrative Office of the U.S. Courts
Revised December 2006**

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Medical Guidelines and Medical Evaluation Protocol

Part A. Introduction

In June 1999, the Judicial Conference of the United States, Committee on Criminal Law directed the Administrative Office of the U.S. Courts (AO) to examine the feasibility of revising the current medical and fitness requirements for probation and pretrial services officers and officer assistants.

In December 1999, the Committee recommended that the Director of the AO contract with the Department of Health and Human Services (DHHS), Division of Federal Occupational Health, Law Enforcement Medical Programs (FOH, LEMP) to conduct a comprehensive assessment of the current physical requirements, duties, responsibilities, working environments and exposures that are typically encountered by officers and officer assistants.

The study was conducted and additional input was obtained from chief probation and pretrial services officers. After reviewing and discussing the recommendations from the study, the Committee concluded at the May 2001 meeting that the limited guidance adopted by the Judicial Conference in 1987¹ was not adequate. They voted to ask the Judicial Resources Committee to adopt a list of recommended essential job functions, along with medical requirements necessary to perform these duties, and forward them to the Judicial Conference for approval.

At its December 2001 meeting, the Committee on Judicial Resources, in consultation with the Committee on Criminal Law, recommended that the Judicial Conference:

- Approve an update to the current “physical requirements” identified in the Human Resources Manual. (Appendix A).
- Require that all final candidates undergo a medical examination by Federal Occupational Health (FOH) Public Health Service physicians using the medical requirements (Appendix B).
- Adopt the use of the medical guidelines in “fitness-for-duty” determinations for incumbents, as needed.

Annual or periodic fitness examinations of officer or officer assistants who are currently performing at full capacity was not a part of the recommendation. At the March 2002 session, the Judicial Conference approved the above recommendations from the Committee on Judicial Resources and adopted the medical guidelines. The Conference noted that, as in the past, the

¹The current requirements are contained in the *Human Resources Manual* (Section 2, Court Personnel System, Chapter 4, Job Qualifications Standards, under the heading “Medical Requirements and Maximum Entry Age”).

final decision on hiring of new officers or officer assistants or on the fitness for duty of incumbents rests with the individual court.

The medical requirements and related medical guidelines will assist chief probation and pretrial services officers to determine, on a case-by-case basis, if an applicant is physically capable of performing the essential job functions. They will also help chiefs address concerns about an incumbent officer or officer assistant's physical or mental ability to perform essential job functions.

The medical guidelines approved by the Judicial Conference establish an equitable and consistent roadmap for chief probation and pretrial services officers, who may require medical examinations on law enforcement officer (LEO) positions based on the general authority found in 5 C.F.R. Part 339, subpart C, Medical Examinations. This section states that "an agency may require an individual who has applied for or occupies a position which has medical standards or physical requirements . . . to report for a medical examination." Additionally, 5 C.F.R. Part 339 states that medical standards may be established for positions where the duties are arduous or hazardous, or require a certain level of health status or fitness because the nature of the position involves a high degree of responsibility toward the public.

U.S. probation and pretrial services officers and officer assistants hired after January 1, 1984 are classified as law enforcement officers (LEO) under the Federal Employees' Retirement System (FERS) Act of 1986 (5 U.S.C. § 84011(17)). The Act defines "law enforcement officer" as an employee whose duties are primarily "the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States . . . and are sufficiently rigorous that employment opportunities are required to be limited to young and physically vigorous individuals." The Office of Personnel Management (OPM) issued regulations stating that in order for a position to be treated as a LEO position, its primary duties must be "so rigorous that the agency does not allow individuals to enter the position if over a certain age or failing to meet certain physical qualifications (5 C.F.R. § 842.802 (a))." Employees hired prior to 1984 are covered as LEOs under the Civil Service Retirement System. The Judicial Conference designated probation officer positions as LEOs in compliance with relevant statutory and regulatory provisions. In addition, the Human Resources Manual outlined standards for probation and pretrial services officer and officer assistants' physical requirements.

Part B. Medical Examination Provider

The Committee on Criminal Law, in conjunction with the Committee on Judicial Resources, approved the recommendation that all medical evaluations be conducted by the Department of Health & Human Services (DHHS), Public Health Service (PHS) or other approved contract facilities. Federal Occupational Health, Law Enforcement Medical Program (FOH, LEMP) is a program of the PHS with professionals specializing in law enforcement occupational health. These medical professionals provide comprehensive examinations to assess the performance capability of applicants and employees. FOH, LEMP facilitates medical examinations for a large

number of law enforcement agencies nationwide.

FOH, LEMP, based out of Atlanta, Georgia, facilitates the medical review process and is assisted by an assigned Reviewing Medical Officer (RMO). The RMO is a physician who provides medical consultations on all work-related matters dealing with his or her assigned agencies. All medical determinations of the RMO are qualified medical opinions. The RMO is tasked with ensuring accountability and conducting a methodical process with consistent application of medical decisions and policies that are legally defensible. The Director of FOH, LEMP is responsible for ensuring that the RMO provides the final medical recommendation and objectively reports the findings to the Office of Probation and Pretrial Services (OPPS).

An Intra-governmental Agency Agreement (IAA) has been established between the AO and FOH. All OPPS approved fitness-for-duty evaluations for incumbent officers and all final applicant² examinations will be paid for under this agreement.

Part C. Payment Process

Limited funding is approved annually for the AO to pay for medical examinations for applicants to whom a formal offer of employment or provisional employment is made, and evaluations for incumbent officers. Any medical examination not authorized by OPPS will be paid for by the requesting district. In these instances, the requesting district will provide its accounting information to FOH for invoicing and billing. Should the district decide to initiate and pay for an evaluation or examination when AO funding is unavailable or the evaluation is not approved for payment by the AO, the protocol outlined in Part D of this document shall be followed.

If an applicant misses an appointment with an FOH, Public Health Service physician, FOH will charge the A.O. a “no-show fee.” If the district incurs an excessive amount of “no-show” fees, the district will be asked to start paying these fees. Therefore, the district should ensure the applicant knows to contact FOH to reschedule an appointment if necessary to avoid these costs. Additionally, if the district cancels the appointment, FOH should be contacted immediately.

Final applicants and incumbents will pay for any medical examinations conducted by their private physician or practitioner when the purpose of the examination is to secure a benefit sought by the applicant or employee (5 C.F.R § 339.304). For example, after a medical determination is made that an officer is not medically qualified, the officer may request consent to seek additional consultation and an examination by his or her private physician to refute the determination made by FOH and the district. In this case, the cost associated with this examination is the sole responsibility of the officer.

²For the purpose of this document, the term applicant refers to the final candidate selected for the position to whom a written formal offer of employment is made.

Part D. Applicant Medical Examinations

1. Requirements

Pursuant to the policy of the Judicial Conference, all final applicants for probation and pretrial services officer and officer assistant positions shall undergo a medical examination by Public Health Service (PHS) physicians or other FOH approved physicians using the medical guidelines developed by Federal Occupational Health, Law Enforcement Medical Programs (FOH, LEMP) and adopted by the Judicial Conference as guidelines to be used in this process (Appendix B).

Any candidate the court is appointing to a probation or pretrial services officer or officer assistant position, including any primary or secondary law enforcement position in the courts, will be subject to a pre-employment medical examination. These positions include chiefs, deputy chiefs, supervisors, specialists (e.g., drug and alcohol, mental health, program or training coordinators, or guideline specialists), line officers, officer assistants, and law enforcement positions within the Office of Probation and Pretrial Services. Vacancy announcements for these positions must include notification that the final selectee will be subject to a medical examination. Sample announcement language can be found in the Human Resources Manual, Section 3, Recruitment, Chapter 1.3, Contents of a Job Announcement.

The pre-employment medical examination may only be performed after a formal offer of employment is made in writing. The applicant must be determined medically qualified prior to commencement of duties.

Provisional Appointees

When hiring an officer or officer assistant provisionally prior to completion of the OPM background investigation, the pre-employment medical examination must be performed after a written formal offer for the provisional position is made, but prior to the applicant's entrance on duty. Additionally, any reference checks or local record checks conducted by the district should also be made before any medical inquiries.

It is critical that a **written formal offer** of provisional employment be made before any medical inquiry is made of the final selectee. The written offer should include the wording found in Appendix G. The letter must be **signed by the final selectee** indicating both:

- a willingness to undergo a medical examination prior to completion of a background investigation; and
- an agreement not to challenge the timing of these events under the court's Employment Dispute Resolution (EDR) plan.

If the applicant refuses to sign the written formal offer of provisional employment, the chief can choose to follow the normal American with Disabilities Act hiring sequence, which requires the

completion of the background investigation prior to initiating the medical examination process, and prior to the applicant's entrance on duty.

Officers Hired from Another District

When a district is considering the appointment of an applicant who is currently an officer or officer assistant employed as an officer or officer assistant in another district, a medical examination is not required. However, if the chief probation or pretrial services officer suspects through direct observation and/or objective evidence, that an officer or officer assistant is unable to perform the essential job functions, as defined in the medical guidelines, of a probation or pretrial services officer or officer assistant, a medical examination should be required.

2. Medical Examination Procedures

After the district receives provisional hire authority from OPPS, the chief or his or her designee shall notify the OPPS medical program administrator via e-mail to AOdb_OPMS Medical Program of the intent to conduct a pre-employment medical examination. The e-mail must include the applicant's name, address, date of birth, social security number, the position being filled and the date the Formal Offer of Provisional Employment form was signed. OPPS will e-mail instructions with the name and address of the clinic or medical provider.³

The chief or designee will provide the applicant with the instruction letter and form PROBPTS 0057A - Certificate of Medical Examination for Probation and Pretrial Services Officers (Appendix C). The applicant shall immediately schedule an examination with the FOH designated physician. The applicant will record the appointment information on the instruction letter and mail, fax or hand deliver the letter to the chief or designee. The chief will fax it to the FOH, LEMP court's account manager in Atlanta at (404) 562-7930. The account manager will follow-up with the clinic if needed to ensure timely processing.

If any of the scheduled appointments cannot be kept, the applicant is responsible for canceling and rescheduling within the time specified in the instructions. The A.O. will cover the cost of a "no show." However, if the district incurs an excessive amount of no-show fees, it will be asked to start paying these fees.

To expedite the medical clearance process, it is essential that the applicant accurately completes all applicable sections on the Certificate of Medical Examination form. The applicant should bring to the FOH physician any supplemental medical information related to pre-existing or current medical conditions. Additional information will likely be requested by the examining clinic. If supplemental information is not available before undergoing the medical examination,

³The U.S. Public Health Service, Federal Occupational Health (USPHS-FOH) physicians are located in federal buildings and courthouses throughout the country. If FOH clinics are not available locally, approved private providers will be contracted by FOH.

the applicant shall proceed with the examination. The applicant has 14 business days to fax or mail the medical information directly to FOH, LEMP at the number or address listed in the instruction letter. Incomplete medical information will result in the delay of a medical determination. A pre-employment medical examination conducted without complications will usually take three to four weeks from the time the appointment is scheduled to when FOH-LEMP sends the chief the final report.

3. Medical Review Process

The results of the medical examination and related materials are sent from the examining clinic directly to the Reviewing Medical Officer (RMO) at FOH, LEMP in Atlanta for a medical determination. Any supplemental medical information provided by the applicant or the applicant's personal physician(s) will be reviewed and considered at that time. The RMO will:

- Evaluate the results of the examination.
- Review the findings of the examining physician.
- Review any additional medical information.
- Determine the medical status and report the status on a Medical Review Form (MRF).

If additional documentation is required to make a final medical determination, specific questions will be outlined in the MRF. The FOH, LEMP courts account manager will fax this form to the chief. The chief will attach a cover letter (sample available on J-Net, OPPS website) to the MRF and give it to the applicant. The applicant may provide additional medical information at his or her expense within 14 business days or a time frame that the chief believes is reasonable.

After a thorough review of all medical information, FOH, LEMP will make a final medical determination and the completed MRF will be faxed to the chief. A copy of the final determination will be mailed to the OPPS medical program administrator.

The chief will review the final MRF and, with the approval of the court, will determine if the final applicant is medically cleared. If medically cleared, the chief may forward a letter to the applicant outlining the next steps of the hiring process. If the applicant is not medically cleared, the chief will send the applicant notification of the results and instructions on how he or she may request reconsideration for employment. A sample of this notification may be found on the J-Net, OPPS website. Medical determination results generated by the RMO are qualified opinions based on existing facts. It is still the ultimate responsibility of the court to determine job suitability.

At the logical conclusion of the medical examination process, the chief will complete a Program Evaluation Form (Appendix F) and forward it to the OPPS medical program administrator.

Part E. Fitness for Duty Evaluations

1. Requirements

Fitness-for-duty (FFD) evaluations are management-directed medical examinations used to assess an officer or officer assistant's physical and/or psychological ability to safely and efficiently perform the essential job functions of the position when concerns exist related to job performance and/or conduct.

Making the decision to pursue a fitness-for-duty evaluation can be one of the most challenging and difficult decisions a chief probation or pretrial services officer will make. If found not fit-for-duty, an officer or officer assistant's career could be in jeopardy. The chief should approach this process with the utmost care, concern and confidentiality and handle the situation promptly. Management may call the appropriate human resources contact regarding retention under the law enforcement retirement provisions (see Part H for contact information). The goal in pursuing a fitness-for-duty evaluation should be to utilize all available means to bring the officer back into the work-force at full capacity and to ensure he or she is capable of performing the essential job functions. It should also be used if an officer's conduct or performance is jeopardizing the safety of himself or herself, the public or co-workers.

The chief should not pursue a fitness-for-duty evaluation if the reason for conduct or performance issues are unrelated to a medical or psychological condition, such as attendance problems, policy infractions, poor performance or violations of the code of conduct due to poor judgment.

A fitness-for-duty evaluation may be necessary if the chief probation or pretrial services officer suspects, through direct observation and/or objective evidence, that an officer or officer assistant is unable to perform essential job functions and additional information is needed to:

- Determine the permanence of a disability.
- Assess a medical or physiological condition the employee brings to the attention of management, such as the use of medication or a condition that is the basis for excessive leave.
- Respond to an employee's request for a change in duty status, assignment, working condition or any other benefit or special treatment due to a medical or psychological condition.
- Determine if unsafe or erratic behavior that may pose a threat to the employee or others is related to a medical or psychological condition.
- Assess injuries or an illness sustained in the line-of-duty.
- Assess observed or documented physical symptoms that may interfere with the employee's ability to safely perform essential job functions.
- Obtain an independent second opinion regarding an employee's ability to return to full duty following a prolonged medical absence.

Management may ask an officer or officer assistant for documentation in response to any of the above situations. In fact, an employee is responsible for providing documentation showing any link between a medical condition and misconduct or unacceptable performance. Although the judiciary is not bound by the Americans with Disabilities Act (ADA), it is well-established judiciary policy to follow the ADA principles applicable to the private sector and the executive branch employees. Consistent with the ADA, any disability-related inquiry should be based on objective evidence that the medical or psychological condition is potentially affecting the employee's ability to perform essential job functions. Discussions with the employee should center on determining the reason for performance discrepancies. The manager should not attempt to diagnose or draw conclusions about the employee's condition. Additionally, the manager should never say directly or imply to the employee that he or she has a specific medical condition or disability. All inquiries made of the officer should be thoroughly documented as indicated in Part F of this document.

When the chief first learns of a potential medical or psychological condition, the chief should ask the officer or officer assistant to have his or her own physician or practitioner complete a Report of Medical Assessment (Appendix D). This form provides an opportunity for the employee's doctor to identify any functional restrictions based on the probation or pretrial services officer and officer assistant position essential job functions, as defined in the medical guidelines. The form also has sections for the doctor to provide a diagnosis and description of treatment, medications, side effects and prognosis. The district may be responsible for the cost of the officer's medical examination. As soon as the chief believes a fitness-for-duty evaluation may be necessary, the chief should contact the OPPS medical program administrator for guidance. In some cases, chiefs will be referred to FOH, LEMP for pre-consultation services to assist in making this decision.

2. Requesting a Fitness-for-Duty Evaluation

When a chief decides to initiate a fitness-for-duty evaluation, the chief should contact the OPPS medical program administrator to discuss the situation, if this has not been done already. The chief should then mail a written request to the OPPS medical program administrator. The request should summarize:

- The officer or officer assistant's name, position type and any specialty duties.
- Management observations and concerns regarding the possibility of a medical/psychological condition that may be the basis for performance inadequacies.
- The specific job functions the officer or officer assistant is unable to perform.
- Any action taken by the chief or supervisor in response to the issues identified, including removal of a firearm or restricted use of a government-owned vehicle.
- Relevant dates and time frames.
- Any evidence acquired supporting the need for the evaluation.

Upon receipt of the written request, OPPS will either approve the request and forward the information to FOH, LEMP or contact the chief for additional information. If the request is not an appropriate referral, then it may be denied. The chief will be notified in any case.

Once the fitness-for-duty evaluation is approved, the OPPS medical program administrator will e-mail a medical package to the chief probation or pretrial services officer. The package will contain:

- A sample notification memorandum to the officer.
- A Consent for Fitness-for-duty Evaluation Form, (Appendix E).
- Instructions to the chief on how to contact FOH, LEMP.
- A Program Evaluation Form, (Appendix F).

The chief shall inform the officer or officer assistant **in writing** that he or she shall undergo a fitness-for-duty evaluation. The notification shall include the reason for the request. The officer will also be presented with a Consent for Fitness-for-Duty form for signature to indicate his or her agreement to participate in the evaluation process. This form serves as a consent to release medical-related records to the professionals performing the evaluation, the district and OPPS. Any information collected and maintained by FOH, LEMP must be relevant to the employee's job performance or suitability. The form also serves as notification to the employee that if he or she refuses to participate in the evaluation process, management may take action, including disciplinary or adverse action, based on the limited information available without the evaluation. The district should refer to its own adverse action procedures and contact the Office of Human Resources at the AO. The chief should ensure that the officer understands the form.

Once the officer is notified and agrees to the fitness-for-duty evaluation, the chief will contact the FOH, LEMP case manager assigned to probation and pretrial services for a consultation. The chief can expect to have frequent contact with the FOH, LEMP case manager during the fitness-for-duty evaluation process, which can take anywhere from 30 to 60 days to complete depending on the availability of existing information. The chief will send FOH, LEMP the following documentation:

- The chief's notification memorandum to the officer.
- A signed copy of the Consent for Fitness-for-duty form.
- Any additional medical and performance-related material.

In some instances, FOH, LEMP may recommend that the RMO make a medical determination based on the existing materials, without a medical examination. This might be the case when an officer is able to provide thorough medical documentation from private physicians.

3. Medical Examination Process

If after a review of all the related medical and performance documentation FOH, LEMP is unable

to make a medical determination, FOH, LEMP will pursue an Independent Medical Examination (IME) of the employee. FOH, LEMP will provide the chief with the location of the facility, the name of the Public Health Service physician or designated contract physician and the appointment information. FOH, LEMP will designate the closest eligible facility to the employee's office location. The chief will provide this information to the officer. The officer will report for the appointment and be given a Certificate of Medical Examination form to complete at the designated facility. The FOH designated physician will send the results of the examination to FOH, LEMP in Atlanta.

The IME is a broad-based assessment that is expanded to include any specific medical condition that may be a concern. The examination results will be evaluated by the RMO in relation to the rest of the materials previously provided by the district, including statements made by the chief or supervisor. The RMO will determine whether there is a physical explanation for the behavior or actions that are the basis for the fitness-for-duty evaluation. The RMO may recommend additional evaluation procedures by an approved specialist, such as an orthopedic physician, neurologist or endocrinologist. The FOH, LEMP case manager will arrange any additional examination and fax an appointment form to the chief, who will then provide the form to the employee.

4. Psychological and Psychiatric Examination Process

If the chief has objective evidence that potential psychological or psychiatric conditions may be the underlying cause of an officer or officer assistant's performance or conduct issues, and the RMO finds no evidence of a physical explanation for behavior or actions that may affect the safe and efficient performance of the individual or others, a psychological and/or psychiatric examination may be requested by the chief.

Psychological and psychiatric evaluations are conducted by board-certified psychological and psychiatric forensic consultants located in Washington, D.C. These consultants are nationally renowned in the area of law enforcement medical evaluations. In some situations, arrangements for an evaluation closer to the employee's district may be made.

The psychological and psychiatric assessment process lasts approximately one-and-a-half days. The officer or officer assistant will complete tests that measure cognitive functioning, emotional status, personality characteristics and interpersonal dynamics. The evaluation results are based on a review of the employee's medical and psychological history, as well as the information obtained directly from the officer or officer assistant. Personal history information is used to examine the potential for genetic influences that may be combined with medical disorders, prescribed medications and normal responses to life challenges. The psychiatric evaluation is conducted on the second day and takes approximately 1-2 hours.

Travel and lodging expenses for these evaluations are the responsibility of the district. Employees should be granted administrative leave for these evaluations.

5. Medical Review Procedures

The results of the IME (by medical, psychological, psychiatric and/or other specialists) are forwarded directly to FOH, LEMP. The RMO will assess the findings and render a medical determination. The RMO will ensure that the findings are objective, comprehensive and legally defensible. The RMO will take into consideration the U.S. Probation and Pretrial Services Officer and Officer Assistant Medical Requirements and Medical Guidelines, which include the Essential Job Functions. Although the judiciary is not bound by the Americans with Disabilities Act (ADA) requirements, the RMO will take them into consideration. FOH, LEMP will report the final determination on a Medical Determination Report (MDR). This report will be forwarded to the OPPS medical program administrator who will forward the report to the chief. Once the chief reviews the Medical Determination Report, the chief may consult with the FOH, LEMP case manager for further clarification of the results. Regardless of the results, it is still the ultimate responsibility of the court to determine performance and job suitability.

If the MDR states that the officer or officer assistant is found fit-for-duty, and the chief with the approval of the court agrees with the finding, the chief shall notify the officer or officer assistant in writing that he or she is medically cleared.

If the MDR states that the officer or officer assistant is found not fit-for-duty, the chief shall immediately contact the Office of Human Resources at the Administrative Office for further guidance regarding the options available to the district and the officer. The chief may also contact the Office of General Counsel for additional information on legal matters pertaining to the officer's employment status. The chief should also report the medical findings to the Chief Judge. Any action taken in response to the determination may be considered an adverse action and should be conducted in accordance with the district's adverse action policy and procedures. The employee should be presented with a medical determination notification letter prepared by the chief (with the approval of the court), indicating that the officer or officer assistant is not medically cleared and outlining options available to the employee. Guidance on information to include in this letter may be obtained from the OPPS medical program administrator. Some options available to the employee might include:

- Medical determination dispute process.
- Application for disability retirement benefits.
- Application for workers' compensation benefits.
- Resignation.

The chief or designee should take due diligence in helping the officer or officer assistant understand his or her options. The officer may be terminated based on the determination that he or she is not fit-for-duty. However, it is in the best interest of the court and the officer to explore all viable options for the employee should such a decision be made. Additional guidance concerning this matter should be obtained from the Office of Human Resources and the Office of General Counsel at the AO. Contact information is listed in Part H of this document.

The chief should contact the OPPS medical program administrator with updates on the course of action decided upon by the district and the employee. This information will be included in the case file for record-keeping purposes.

At the logical conclusion of the medical evaluation process, including resolution of any personnel actions and/or disputes, the chief will complete a Program Evaluation Form, (Appendix F), and forward it to the OPPS medical program administrator.

Part F. Medical Records and Reports

Although the judiciary is not bound by the ADA or the Privacy Act of 1974, it is well-established judiciary policy to follow the principles applicable to the private sector and the executive branch employees. The ADA and the Privacy Act of 1974 require employers to treat any medical information obtained from a disability-related injury or medical examination, as well as any medical information voluntarily disclosed by an employee, as confidential medical records. Documentation of such information should be consistently collected and stored, including any ongoing record of conversations made with the employee, his or her treating physician, the AO, or any other involved party.

The district shall temporarily maintain employee medical documentation in accordance with Title 5, C.F.R. Part 293, Personnel Records until the logical conclusion of the medical evaluation process. Access to medical records and files must be limited to approved staff (i.e., administrative staff processing the forms and individuals authorized to review the reports). When not in use, reports must be stored in a locked cabinet, safe or equally secured area separate from personnel files. Chief probation or pretrial services officers or their designee shall return all medical information to the OPPS medical program administrator via overnight mail, within two weeks of resolution or completion of action taken in response to an applicant's medical examination or incumbent's fitness-for-duty evaluation.

OPPS shall maintain all employee medical documentation in locked filing cabinets or in a secured locked room pursuant to Title 5, C.F.R. Part 293, Personnel Records. Employee Medical Records are to be maintained physically apart from the Official Personnel Folder (OPF). The records and information generated as a result of examinations shall be the property of the AO; however, the information shall also be maintained by the Public Health Service, Federal Occupational Health.

FOH has developed an automated program to track and manage medical information and records. The Medical Evaluation and Records Information Tracking System (MERITS) is in complete compliance with the Privacy Act of 1974. The OPPS medical program administrator has limited access to the MERITS database to obtain the following:

- Examination results.
- The Reviewing Medical Officer's findings and determinations.

- Tracking dates.
- Other information used to evaluate the program and process.

Part G. Disclosure of Medical Records

The chief may provide the officer or officer assistant with a copy of the Medical Determination Report, especially when the employee needs the information to take to his or her physician to dispute the findings or to send the report to the Office of Human Resources, the Office of Workers Compensation Program (OWCP) or Office of Personnel Management (OPM) to secure benefits. To obtain the report, the officer or officer assistant should submit a written request to the chief probation or pretrial services officer. The request shall include the following:

- Employee's full name.
- Employee's date of birth and social security number.
- A statement why the information is being requested.
- Name of a designated physician to receive the records (if the report contains psychological or psychiatric information).
- The designated physician's address and phone number.
- Employee's hand-written signature.

The chief probation or pretrial services officer may discuss information in the report with the applicant or incumbent officer or officer assistant. However, if the report contains any information related to psychological or psychiatric issues, the chief should disclose the information in accordance with Title 5 C.F.R. § 297.205, which states in part:

When a request for access involves medical or a psychological record . . . the requester (officer or officer assistant applicant or incumbent) should be advised that the material will be provided only to the physician designated by the data subject (applicant or incumbent). Upon receipt of the designation (physician's name) and upon verification of the physician's identity, the records will be made available to the physician, who will have full authority to disclose those records to the data subject when appropriate.

If the employee seeks to obtain a copy of the medical determination report or examination documents after the report has been returned to OPPS, he or she shall submit a written request containing the same information as above to:

Administrative Office of the U.S. Courts
Office of Probation and Pretrial Services
ATTN: Medical Program Administrator
One Columbus Circle, NE, Room 4-300
Washington, D.C. 20544

Only the following authorized individuals can review the Medical Determination Report:

- OPPS authorized personnel.
- Chief judge.
- Chief probation or pretrial services officer.
- In special cases, personnel authorized by the chief judge or the chief probation or pretrial services officer to assist in evaluating reported information or managing the employee.
- Applicant or employee (if the report contains psychological or psychiatric information, release is made through a physician).

Although the judiciary is not bound by the Privacy Act of 1974, it does follow the general regulations of the Act. Therefore, release of information to the authorized individuals will be permitted if it is determined that the employee presents a threat to himself/herself or others, or when instances of child abuse are involved. Any other release of the employee's medical records may be made with the written consent of the employee.

If a chief seeks to obtain a copy of the Medical Determination Report after the report has been returned to OPPS, he or she may submit an e-mail request with a justification for the request to the OPPS medical program administrator.

Part H. Contact Information

Office of Probation and Pretrial Services (OPPS)

E-mail to initiate Applicant Medical Examinations: AOdb_OPPTS Medical Program
 Medical Program Administrator - DeAnn Thomas-Browne - **202-502-1284**
 DeAnn Thomas-Browne/DCA/AO/USCOURTS

Administrative Office of the United States Courts
 Office of Probation and Pretrial Services
 Attn: Medical Program Administrator
 One Columbus Circle, NE 4-300
 Washington, D.C. 20544

Office of Human Resources - (OHR)

Locate your specialist's name & phone number for the circuit for court services
[http://jnet.ao.dcn/Human Resources/Personnel and Payroll Contacts.html](http://jnet.ao.dcn/Human_Resources/Personnel_and_Payroll_Contacts.html)

Employee Relations Office (ERO)
 Trudi M. Morrison - **202-502-1380**

Benefits Program Division
 Jo Ann Pena, Benefits Officer - **202-502-3121**

Department of Labor Website www.dol.gov/dol/esa/dfec

Office of General Counsel

Assistant General Counsel - **202-502-1100**

Federal Occupational Health, Law Enforcement Medical Programs (FOH, LEMP)

AOUSC Case Manager
100 Alabama Street. S.W.
Room R-310
Atlanta, GA 30303-8801

APPENDICES

- A. [“Medical Requirements and Maximum Entry Age.” *Court Personnel System Manual*](#)
- B. [Medical Guidelines for U.S. Probation Officers, U.S. Pretrial Services Officers and Officer Assistants](#)
- C. [Certificate of Medical Examination Form](#)
- D. [Report of Medical Assessment Form](#)
- E. [Consent for Fitness-for-Duty Evaluation](#)
- F. [Program Evaluation Form](#)
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