

DEPARTMENT OF THE ARMY  
HEADQUARTERS III CORPS AND FORT HOOD  
Fort Hood, Texas 76544

Change 1 to  
FH Regulation 690-48

3 October 1983

Civilian Personnel  
PLACEMENT OF HANDICAPPED/DISABLED EMPLOYEES

FH Regulation 690-48, 3 June 1982, is changed as follows:

Page 2, paragraph 4. MANDATORY MEDICAL EXAMINATIONS. Add subparagraph g after subparagraph f.

g. Medical examinations will be conducted in accordance with the medical standards published in the Federal Personnel Manual and the United States Army Environmental Hygiene Agency's Medical Surveillance Guide, Appendix G - Recommendations for Periodic Job-Related Examinations for Selected Occupations.

(AFZF-CP-R)

FOR THE COMMANDER:



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DEPARTMENT OF THE ARMY  
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Fort Hood, Texas 76544

FH REGULATION  
No. 690-48

3 June 1982

Civilian Personnel  
PLACEMENT OF HANDICAPPED/DISABLED EMPLOYEES

1. PURPOSE. This regulation provides guidance and establishes procedures for the placement of handicapped/disabled employees paid from appropriated funds who are serviced by the Fort Hood Civilian Personnel Office.

2. POLICY. It is the policy of this installation to retain the skills and services of an employee who, though unfit for service in his or her present position, is medically and otherwise qualified to perform service in another available position without detriment to himself or herself or the Government. It is also the policy of this installation to initiate action to secure the disability retirement of an eligible employee who is truly unfit for useful and efficient service because of physical or mental disability. Nothing in this regulation shall obligate the installation to create or to vacate a position to place a disabled employee.

3. DEFINITIONS.

a. Disabled and disability mean unable or inability to render useful and efficient service because of disease or injury in:

(1) The employee's current position; or

(2) In a vacant position in the commuting area at the same grade or pay level for which the individual is qualified for reassignment.

b. A handicapped person is any individual who:

(1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) Has a record of such impairment, or

(3) Is regarded as having such an impairment.

c. Examining physician means a licensed Doctor of Medicine or Doctor of Osteopathy.

d. Medical information and documentation of a medical condition mean a statement made within 90 days of the date of submission from a licensed physician or physician on active duty in a uniformed service who has examined the employee which provides the following kinds of information:

(1) The history of specific medical conditions, examinations, and responses to treatment.

(2) Current clinical findings from physical examination results and laboratory data.

(3) Assessment of the present status of specific medical conditions.

(4) Diagnosis

(5) Prognosis

(6) Clinical assessment estimating the date of full or partial recovery.

(7) Clinical assessment of risk of injury to self or others which would arise from the performance of essential duties, and a narrative justification of the medical basis for the conclusion.

e. Useful and efficient service means:

(1) Either acceptable performance of the critical or essential elements of the position or the ability to perform at that level; and

(2) Satisfactory conduct and attendance.

4. MANDATORY MEDICAL EXAMINATIONS. An employee may be ordered to report for a mandatory medical examination:

a. Periodically when there are medical retention standards for the position in order to determine whether or not the individual is medically qualified for retention, and

b. Whether or not there are published medical standards for the position, when there is no evidence that a service deficiency exists, but

(1) The employee furnishes evidence that he or she has a health impairment that will affect the employee's performance on the job,

(2) There is reason to believe that, because of a health impairment, the employee's presence on the job poses a clear and immediate danger to the employee, other employees, the public, or Government property.

c. An employee who has used extensive leave for health reasons, including an employee who is on leave-without-pay while receiving injury compensation payments under 5 U.S.C. Chapter 81, may be ordered to report for a mandatory medical examination in order to determine whether continuation on leave or return to limited or full duty is warranted.

d. When a mandatory medical examination is ordered under the provisions described above, the employee will be informed in writing, or orally in the event of an emergency, of the reasons for ordering the examination and the consequences of his or her refusal to report for the examination. Refusal may be cause for removal under adverse action procedures.

e. The examining physician will be designated by the Fort Hood Civilian Personnel Office. However, the employee will have the opportunity to submit medical information from his or her personal physician, which will be considered.

f. An employee shall not be ordered to undergo a psychiatric evaluation unless he or she has first been ordered to undergo a non-psychiatric medical examination as provided in 4a and b above and unless the examining physician, a managerial or supervisory official within the employee's chain-of-command, and a civilian personnel official agree, in the light of all available facts of the case, that a psychiatric evaluation appears necessary. Any psychiatric evaluation conducted under this paragraph must consist of more than one interview with the employee by a board-certified psychiatrist and must include psychological testing.

5. FITNESS-FOR-DUTY EXAMINATIONS.

a. When an employee has a service deficiency and when the employee submits or information is otherwise obtained regarding a health impairment which may be causing the service deficiency, the employee will be offered a fitness-for-duty examination when it appears that medical information would help identify alternatives to correct the service deficiency.

b. An offer of a fitness-for-duty examination does not free this installation from any obligation to provide counselling to employees with alcohol and drug abuse problems. See FH Reg 690-13, Civilian Employee Assistance Program, and AR 600-85, Alcohol and Drug Abuse Prevention and Control Program.

c. When an offer of a fitness-for-duty examination is made to an employee who may be eligible for disability retirement, the employee shall be informed of the requirements and his or her possible eligibility for disability retirement.

d. Supervisors may direct employees to take fitness-for-duty medical examinations whenever job performance, attendance or medical evidence indicates a physical problem. These examinations will be used to determine whether or not employees are physically able to perform the duties of their assigned position. If services are available, fitness-for-duty medical examinations will be taken at Darnall Army Community Hospital (DACH). In the event DACH cannot conduct the physical, arrangements will be made by the Employer to conduct the examination elsewhere.

e. Examination under this section shall be conducted at the installation's expense as long as the report of the physical examination is made available for the installation's use.

f. If the employee refuses a fitness-for-duty examination, any subsequent adverse action taken against the employee will be based on the deficient service. Management's obligation to determine whether a service deficiency is caused by a health impairment will have been fulfilled upon documentation, as part of the record, that the employee was given the opportunity to raise a possible health impairment which explains the service deficiency and that the employee was offered a fitness-for-duty examination.

## 6. PLACEMENT PROCEDURES.

a. Superior officers should be alert for indications that an employee is experiencing increasing difficulty in the performance of his or her duties. If the difficulty appears to be the result of a physical or mental impairment, the superior officer should attempt to effect placement to a position within his or her jurisdiction. If no positions exist within the superior officer's jurisdiction for which the employee appears to be qualified, the case should be referred to the Civilian Personnel Office with the employee's deficiencies documented by providing information such as:

- (1) Current and past performance appraisals.
- (2) Statements describing specific instances of unsatisfactory performance, conduct, or attendance.
- (3) Any decision to deny the employee a within-grade increase or take an adverse action against the employee.
- (4) Identify the essential functions of the employee's position which the employee is unable to perform.

b. The Civilian Personnel Office will review vacant positions in the same commuting area, to determine if the employee meets the minimum qualification standards, including physical qualifications. If such a position is found, the employee will be offered placement into the vacant position. If the employee declines an offer of placement, that action terminates any obligation to identify other vacant positions at the same grade or pay level, tenure group, and in the same commuting area as the position offered.

c. There are some situations when it may not be appropriate to offer a vacant position to an employee who meets the qualification standards. Those situations include:

- (1) Selection of another employee with a priority placement right.
- (2) Nonselection because of inability to meet medical qualification requirements.
- (3) Nonselection because some critical elements of the new position are the same as the present position.
- (4) Nonselection because an adverse action has been initiated.

d. Use of Pay Retention. Pay retention will be extended to an employee when he/she accepts a lower graded position offered by management for nondisciplinary reasons of ill health. An employee does not lose eligibility for disability retirement when he or she declines a position with retained pay.

e. Attempts to place an individual will be accomplished in the following order:

- (1) A position of like seniority, status, and pay within the same command. For example, attempts to place a disabled USACC employee will be made initially within USACC; MEDDAC employees within MEDDAC; III Corps employees within III Corps, etc. In the case of US Army Reserve employees, initial attempts will be confined to the same command within the commuting area.

- (2) A position of like seniority, status, and pay within the commuting area.

- (3) The next best available position within the command which most closely approximates in seniority, status, and pay the employee's current position.

- (4) The next best available position within the commuting area which most closely approximates in seniority, status, and pay the employee's current position.

f. Current employees who are receiving pay retention benefits will be afforded special consideration for repromotion to positions for which they are qualified, including physical qualifications. This special consideration will be extended to positions at or below the grade from which demoted and in the pay group which covered the employee prior to placement in the lower grade position. Special consideration will cease when the employee is no longer entitled to pay retention benefits. Declination of a valid offer at an intervening grade will terminate the employee's entitlement to repromotion consideration at that grade level, but the employee will continue to receive special consideration for higher grades up to and including that from which downgraded.

g. Use of State services. A State rehabilitation counselor can be useful to an employee and the activity in selective placement efforts because of his or her knowledge of disabilities and job requirements and can make recommendations concerning vocational rehabilitation services. Whenever practical, disabled employees will be referred to State vocational and rehabilitation agencies for the purpose of seeking vocational rehabilitation services which may allow the individual to continue employment.

#### 7. RESTORATION TO DUTY OF EMPLOYEES INJURED ON THE JOB.

a. An employee's restoration rights fall into four separate categories according to the nature and timing of the recovery. The categories are:

- (1) Fully recovered within 1 year
- (2) Fully recovered after 1 year
- (3) Physically disqualified
- (4) Partially recovered

b. For purposes of this regulation, the terms used in 7a above have the following meanings:

(1) Fully recovered means the employee is able to perform all the duties of the position she/he left or an equivalent one. For purposes of restoration, an employee is considered fully recovered when Department of Labor ceases paying compensation because it has determined the employee is able to resume the full duties of his or her former position.

(2) Physically disqualified (medically disqualified) means that:

(a) The employee is, for medical reasons, unable to perform the duties of the position formerly held, or

(b) There is a medical reason to restrict the individual from some or all essential duties because of possible incapacitation (for example, because of a seizure) or because of a risk of health impairment (such as further hearing loss in an individual who has already sustained noise induced hearing loss). In either case, the condition would have to be permanent, with little likelihood for improvement or recovery.

(3) Partially recovered means the employee, though not yet able to resume regular duties on a full-time basis, has recovered sufficiently to return to part time or light duty. If the position pays less than the one the employee left, the Department of Labor will make up the difference. Contrary to the situation with the physically disqualified, it is expected that a partially recovered employee will fully recover eventually at which time she/he is, of course, entitled to appropriate restoration rights.

c. This installation's obligation to restore employees in each of these categories is:

(1) Fully recovered within 1 year. The employee must be restored to the position she/he left or an equivalent one; the installation has no option. The only exceptions are when the employee was separated for reasons unrelated to the injury, e.g., for cause or reduction in force, in which case the individual would have no restoration rights.

(2) Fully recovered after 1 year. The employee is entitled to priority consideration for the position he/she left or an equivalent one. This is effected by entering the employee on the reemployment priority list.

(3) Physically disqualified. The employee is entitled, within 1 year of the date compensation begins, to be placed in a position for which qualified, that most closely approximates the individual's former status and pay. An employee may be refused restoration when the medical condition precludes the performance of duties at an acceptable level or when there is medical reason to restrict the individual from some or all of the essential duties because of a hazard to the employee or others.

(4) Partially recovered. If an employee has partially recovered from the injury or disability and is able to return to limited duty, every effort will be made to restore him or her to an appropriate position consistent with the circumstances in each case.

d. An employee must apply for restoration within the following specified period of time after recovery.

(1) If the employee is still on the installation's rolls, she/he is expected to return to work immediately. Failure to do so is grounds for disciplinary action.

(2) If an employee has been separated and recovers more than 1 year after compensation begins, he/she must apply for restoration within 30 days of the date compensation ceases.

e. Injured employees may appeal to MSPB as follows:

(1) Employees who fully recover within 1 year or who are physically disqualified, may appeal denial of restoration or improper restoration.

(2) An employee who fully recovers after more than 1 year and is thus entitled to priority consideration for the position she/he left or an equivalent one, may appeal:

(a) The installation's failure to enter the employee on its reemployment priority list,

(b) The installation's failure to reemploy the employee from the list by showing that he/she was denied restoration because of the employment of another person who otherwise could not properly have been appointed, and

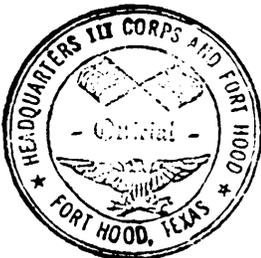
(c) Upon reemployment, the installation's failure to place the employee in a position equivalent to the one she/he left.

(3) Employees who partially recover may appeal denial of restoration. MSPB's review in such cases is limited to whether the installation made reasonable efforts to reemploy the person.

f. The period during which an injured employee received compensation is creditable service in the computation of waiting periods for successive within-grade increases. The "acceptable level of competence" determination usually required is waived under these circumstances.

The proponent of this regulation is the Civilian Personnel Division. Users are invited to send comments and suggested improvement to the Commander, III Corps and Fort Hood, ATTN: AFZF-CP.

FOR THE COMMANDER:



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