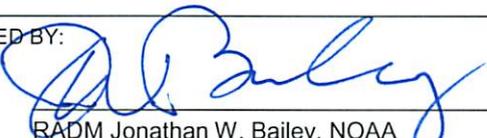


	OFFICE OF MARINE AND AVIATION OPERATIONS	POLICY 1004	VERSION 1.0
		EFFECTIVE DATE November 30, 2011	
	AUTHORIZED BY:  RADM Jonathan W. Bailey, NOAA Director, Office of Marine and Aviation Operations	REVIEW DATE November 30, 2014	
		RESPONSIBLE POSITION Director, Health Services	

OMAO INDIVIDUALIZED ASSESSMENTS

1. PURPOSE

- 1.1 This policy clarifies current guidance for conducting Individualized Assessments (IA) (fitness for duty determinations) for applicants, employees who sail aboard National Oceanic and Atmospheric Administration (NOAA) ships or fly aboard NOAA aircraft, and those individuals who must meet medical standards to participate in diving through the NOAA Diving Center (NDC).

2. SCOPE

- 2.1 This policy applies to all personnel who must meet medical standards to sail aboard NOAA ships, fly aboard NOAA aircraft, or to dive through the NOAA Diving Program.
- 2.2 The NOAA Corps' Center for Commissioned Personnel (CPC) has a separate policy for determining fitness for duty for its officers and officer candidates.

3. POLICY

- 3.1 In accordance with part 339 of title 5 of the Code of Federal Regulations, the Office of Marine and Aviation Operations (OMAO) shall maintain medical standards for the Marine Operations Centers (MOCs), Aviation Operations Center (AOC), and NDC, specifically tailored to the duties associated with the respective mission. It shall also maintain a comprehensive, consistent, and legally sufficient medical qualification determination process to sustain these medical standards.
- 3.2 Medical examinations and/or health screenings shall be conducted to determine if individuals are medically qualified to participate in the respective OMAO activity. OMAO Health Services (HS) shall request additional medical information when medical history or basic medical screenings raise questions regarding the subject's medical fitness. After analysis of all medical information available, OMAO HS may find an individual Fit for Duty (FFD), permanently Not Fit for Duty (NFFD), or Temporarily Not Fit for Duty (TNFFD). If the employee or applicant is NFFD and this finding is supported by an IA, the individual is prohibited from participating in that activity.
- 3.3 HS shall gather and evaluate medical information and, if required, conduct an IA of applicants, employees, and temporary staff and apply these medical standards in all medical qualification determinations.

4. GUIDANCE

4.1 Medical Fitness for Duty Determinations

- 4.1.1 A medical fitness for duty determination is required for:

- A. New candidates/applicants for wage marine positions, positions at the AOC which have medical standards, and individuals participating in the NOAA Dive Program – When the required initial medical screenings reveal the candidate has a potentially disqualifying condition, OMAO HS has the authority to request that the candidate provide additional medical records and undergo additional medical tests. If after all medical information is collected it is determined a potentially disqualifying condition still exists, OMAO HS must perform an IA to assist in making a medical qualification determination.
- B. Current OMAO employees in positions with medical standards – Should a current employee become medically unable to perform his/her position, or if it becomes evident that the employee may have a potentially disqualifying condition, OMAO HS has the authority to request that the employee provide additional medical records and undergo additional medical tests. If after all medical information is collected it is determined a potentially disqualifying condition still exists, an IA is required to assist in making a permanent NFFD determination.
- C. Individuals taking part in temporary activities, i.e., visiting scientists aboard vessels – These individuals are required to provide medical information in a NOAA Health Survey Questionnaire (NHSQ). When a potentially disqualifying medical condition is identified on the NHSQ, OMAO HS has the authority to request further medical documentation and additional medical tests. If after all the medical information is collected it is determined a potentially disqualifying condition still exists, an IA is required to assist in the final medical qualification determination for the temporary activities.

4.1.2 Elements of the medical qualification determinations include:

- A. Standardization of IAs – Individuals will not be medically disqualified for a position of employment based on their general medical condition. The assessment process will focus on the individual's ability (or inability) to perform the essential functions of the job. The IA supporting a NFFD determination must demonstrate the applicant is disqualified because he or she poses a "*direct threat*" – a situation presenting a *significant risk of substantial harm to the health or safety of the employee or others, or harm to the mission of the Agency, which cannot be eliminated or reduced by reasonable accommodation.*

Attachment A provides a template OMAO HS personnel will use to compose a legally sufficient IA. An IA will be written for all medical conditions that may be permanently disqualifying. This does not include episodic illnesses or injuries (such as a sinus infection or a broken arm) or other medical conditions that are temporary in nature and will heal or resolve without significant residual effects or defects. The development of a chronic disease or condition (such as cardiovascular or neurologic disease) may render an employee TNFFD at times and FFD at other times. If it is determined by OMAO HS and by medical documentation from the employee's physician that the employee cannot permanently return to work based on their disease or condition, then an IA will be conducted.

- B. Coordination and communication between HS, NOAA Workforce Management Office (WFMO), and U.S. Department of Commerce (DOC) Office of the General Counsel (OGC) – OMAO HS, WFMO, and OGC will work as a team in matters that involve medical qualification determinations. OMAO HS will engage WFMO whenever medical qualification issues arise (excluding the NHSQ for those scientists or other guests and those cases where diving is considered a collateral duty).

4.1.3 Important process elements that apply to the IA process include:

- A. WFMO and the individual's supervisor will be informed as soon as an OMAO HS official identifies a potentially disqualifying condition (as applicable).
- B. OMAO HS officials shall not indicate to the applicant that he or she is NFFD. A TNFFD (temporarily not fit for duty) notice will be issued by OMAO HS when the potentially disqualifying condition becomes apparent, then an IA will be conducted and submitted. WFMO will notify the individual concerned when the IA has been received by their division and will send this individual a written update on progress at regular and consistent intervals until resolution (as applicable).

- C. The Director, Health Services (DHS) reviews and approves all IAs composed by the Regional Directors of Health Services and/or Staff Medical Officers, Dive Medical Officer, and Aviation Medical Officer.
- D. If the result of an IA is FFD, a fitness for duty letter will be provided to the employee and no further action is required.
- E. It is the responsibility of the individual OMAO program to provide information to anyone who is determined to be NFFD regarding its individual reconsideration process at the time of the NFFD notification.
- F. WFMO is typically not involved in NHSQ medical issues for cooperating scientists and/or guests, and diving medical issues if diving is a collateral duty.

4.2 Reconsideration

- 4.2.1 An individual found permanently NFFD may submit a letter of request for reconsideration to the DHS within the designated timeframe described on the program-specific General Information sheets (Attachments B - F). This letter must clearly indicate that there is NEW medical information available supporting the reconsideration (not the same medical information presented in the IA). All new medical information must be sent to the DHS within the designated timeframe (see Attachments B - F). In the event additional time is required due to scheduling medical tests or appointments, a time extension may be requested in writing to the DHS. Upon receipt of all reconsideration documentation prior to the established deadlines described in the program-specific General Information sheets, the DHS will review and draft a letter of recommendation to the Director, OMAO. The Director, OMAO, will then review the reconsideration request and make the final determination.
- 4.2.2 The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a FFD determination.

5. RESPONSIBILITIES

- 5.1 HS performs physical evaluations and evaluations of medical documents, and develops a written IA when indicated to determine FFD. HS will also notify WFMO Client Services of the positive OR negative results of the IA for applicants and will notify OMAO management of the determination of FFD for any OMAO employee.
- 5.2 WFMO notifies applicants of FFD/NFFD status. Additionally, WFMO Employee/Labor Relations Division coordinates with DOC OGC, OMAO HS, and OMAO management officials in processing the IA document and notification of FFD when applicable.
- 5.3 DOC OGC reviews IA document for legal sufficiency.

6. DEFINITIONS

Individualized Assessment	A written document outlining fitness for duty parameters and pertinent medical information to assist in determining whether a particular applicant, employee, or visiting individual is fit for duty.
Collateral Duty	A secondary or subordinate duty (usually program related) which one volunteers to perform in addition to the primary duties of the position of record (e.g., diving).

7. REFERENCES

Code of Federal Regulations, Title 5, Part 339

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title05/5cfr339_main_02.tpl

8. AUTHORITY

OMAO Policy 1001, Category 1000 - Medical

9. NOTES

Effect on other documents: Supersedes decision memorandum, "DECISION: Interim Process for Medical Screening of Wage Mariner Applicants Aboard NMAO Vessels," signed by Geoffrey D. Fuller, Deputy Director, Office of Marine and Aviation Operations, dated June 27, 2007.

Distribution: AOC, MOC-A/P, NOAA Ships, Health Services

Document History:

<u>Version</u>	<u>Effective Date</u>	<u>Brief Description of Changes</u>
1.0	11/20/11	Initial Document

Attachments:

Attachment A – Individualized Assessment Template

Attachment B – General Information: Individualized Assessment Process (AOC)

Attachment C – General Information: Individualized Assessment Process (Wage Mariner Employee)

Attachment D – General Information: Individualized Assessment Process (NDP)

Attachment E – General Information: Individualized Assessment Process (NHSQ)

Attachment F – General Information: Individualized Assessment Process (Wage Mariner New Applicant)

(Use OMAO Letterhead; change city, state, and zip code.)

Individualized Assessment – Medical Fitness for Duty Determination

GENERAL

Name of Individual:

Date of Birth:

Position Applied for:

Date Submitted:

Medical Officer Submitting Report:

Is this a fitness for dive duty determination? Yes No

If yes, is diving a collateral duty? Yes No

MEDICAL HISTORY

This section should contain a discussion of the Report of Medical History form DD 2807, medical issues discovered during pre-employment physical exam, and all other medical information available from sources outside of the National Oceanic and Atmospheric Administration (NOAA) relating to the potentially disqualifying condition. It should include the opinions of doctors, rehabilitation counselors, physical therapists, other medical professionals, or others who have expertise in the specific disqualifying condition(s) or who have direct knowledge of the individual.

WORK HISTORY

This section should discuss jobs that have recently been performed by the applicant. If known, discuss how the applicant's medical condition has affected his or her job performance.

REGULATORY GUIDANCE

Cite the NOAA medical standards that are being used to make this assessment. (For example as applicable: NOAA Fleet Medical Policy Manual, NOAA Dive Medical Manual, NOAA Aircraft Operations Center Medical Policy Manual, other scientific texts, and/or periodicals.)

ABILITY TO PERFORM DUTIES

Using the position description or statement of duties as a guide, this section should contain a discussion regarding the individual's capability to perform the job. The discussion should include missed sailings and any conflicts with appointments and being at sea. A direct relationship of duties to potentially disqualifying condition(s) must be demonstrated. This does not include the remote location/arduous, hazardous environment (this goes in the Direct Threat Assessment section).

DIRECT THREAT ASSESSMENT

Example: *Mr. Doe* is a significant risk for substantial harm to the health or safety of self, others, or mission that cannot be eliminated by reasonable accommodation as supported by the following:

1. The duration of the risk.
Is the risk of harm (not the potentially disqualifying condition) ongoing? Is there an end date or resolution?
2. The nature and severity of the potential harm (adverse events affecting health and/or safety of self, others, or mission).
This includes an arduous and/or remote environment without medical care.
Documentation should include severity and type of harm (self, others, mission), and harm must be documented as 'substantial harm.'
3. The likelihood that the potential harm will occur.
This must be demonstrated to be "significant risk" (defined as a high probability of substantial harm, not "remote risk") and should be stated specifically.
4. The imminence of potential harm.
The risk must be shown to be current and ongoing, not some time in the future.

DISCUSSION

The above information is summarized. The medical history, the ability to do the job, and the direct threat analysis should all be correlated to clearly state the safety concern and potential poor outcome.

RECOMMENDATION

Example: As a result of the above discussion, *Mr. Doe* is not medically qualified for sea duty at this time to serve in the position of First Assistant Engineer.

The Director of Health Services will add a note of comment and/or concurrence here with signature before it leaves Health Services.

INDIVIDUALIZED ASSESSMENT PROCESS FOR POSITIONS WITH MEDICAL STANDARDS NOAA Aircraft Operations Center – General Information

1. When an officer or civilian submits periodic physical examination documents or notifies the Aircraft Operations Center (AOC) Medical Officer of a potentially disqualifying condition, the AOC Medical officer has **one week** to review and determine if a potentially disqualifying condition truly exists. If more information is requested by the AOC Medical Officer in order to make this determination, the officer or civilian has **two weeks** to submit this information. If the officer or civilian does not comply within the 2-week timeframe for providing requested tests and/or information, the Individualized Assessment (IA) will be processed according to policy with the information/test results that are available.
2. If it is determined by the AOC Medical Officer that a potentially disqualifying condition does in fact exist, he/she drafts the IA document, obtains a flight surgeon consultation, and forwards the IA to the Director of Office of Marine and Aviation Operations (OMAO) Health Services (DHS) within **two weeks**.
3. The DHS has a period of **one week** to review the IA (the 1-week period does not apply if questions must be resolved). If no questions are posed or when issues are resolved, the DHS drafts a cover letter and sends it to either the Commissioned Personnel Center (CPC; if officer) or Workforce Management Office (WFMO; if civilian). Medical information (not the actual medical records documents) may be shared with management officials on a need to know basis.
4. Questions or issues should normally be resolved within **one week**. If the officer or civilian is not a National Oceanic and Atmospheric Administration (NOAA) employee, the AOC Medical Officer will then send the officer or civilian a not-fit-for-duty (NFFD) letter. If the officer or civilian is a NOAA employee, the document will be forwarded for legal review (normally within **two weeks** but longer if additional information is required).
5. WFMO (for civilian) or CPC (for officer) is notified when legal review is completed and will notify the officer or civilian of the outcome within **one week**. If the outcome is NFFD, the officer or civilian will be informed of the reconsideration process at this time.
6. If the officer or civilian wishes to request a reconsideration of the IA determination, a letter requesting this reconsideration must be sent to the DHS within **two weeks**. All new medical and accompanying documents for the appeal must be submitted within **four weeks** unless an extension is officially requested in writing to the DHS.
7. In the reconsideration process, the DHS has **two weeks** to review all additional information and draft a letter to OMAO with a recommendation. OMAO has approximately **two weeks** to make the final decision, and the Commanding Officer of the AOC will notify the officer or civilian with **one week**.
8. The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a fit-for-duty (FFD) determination.

INDIVIDUALIZED ASSESSMENT PROCESS FOR POSITIONS WITH MEDICAL STANDARDS Wage Mariner Employee – General Information

1. When a wage mariner employee submits periodic physical examination documents or notifies the Regional Director of Health Services (RDHS) of a potentially disqualifying condition, the RDHS has **one week** to review and determine if a potentially disqualifying condition truly exists. If more information is requested by the RDHS in order to make this determination, the wage mariner employee has **two weeks** to submit this information. If the wage mariner employee does not comply within the 2-week time frame for providing requested tests and/or information, the Individualized Assessment (IA) will be processed according to policy with the information/test results that are available.
2. If it is determined by the RDHS that a potentially disqualifying condition does in fact exist, he/she drafts the IA document and forwards the IA to the Director of Office of Marine and Aviation Operations (OMAO) Health Services (DHS) within **one week**.
3. The DHS has a period of **one week** to review the IA and send for physician consultation (the 1-week period does not apply if questions must be resolved with the RDHS). If no questions are posed or when issues are resolved, the DHS drafts a cover letter and sends it to Work Force Management Office (WFMO). Medical information (not the actual medical records documents) may be shared with management officials on a need to know basis.
4. WFMO will review the document and then forward for legal review. Legal review is normally within **two weeks** but longer if additional information is required.
5. WFMO is notified when legal review is completed and will notify the wage mariner employee's supervisor of the outcome. The employee's supervisor will notify the wage mariner within **one week**. If the outcome is not-fit-for-duty (NFFD), the wage mariner employee will be informed of the reconsideration process at this time by the supervisor.
6. If the wage mariner employee wishes to request a reconsideration of the IA determination, a letter requesting this reconsideration must be sent to the DHS within **four weeks** accompanied by documents for all new medical information unless an extension is officially requested in writing to the DHS.
7. In the reconsideration process, the DHS has **one week** to review all additional information and draft a letter to OMAO with a recommendation. OMAO has approximately **two weeks** to make the final decision, which will be reported to WFMO through the DHS. WFMO will notify the wage mariner employee's supervisor who will notify the employee within **one week**.
8. The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a fit-for-duty (FFD) determination.

**INDIVIDUALIZED ASSESSMENT PROCESS FOR POSITIONS WITH
MEDICAL STANDARDS
Diving Program – General Information**

1. When a National Oceanic and Atmospheric Administration (NOAA) Diving Program applicant or established diver submits physical examination documents or notifies the Dive Medical Officer (DMO) of a potentially disqualifying condition, the DMO has **one week** to review and determine if a potentially disqualifying condition truly exists. If more information is requested by the DMO in order to make this determination, the diver or new applicant has **two weeks** to submit this information. If the new applicant fails to provide the requested records, tests, and/or other information to the DMO within a 2-week period, then no further action will be taken on the application until that information is submitted. If an established diver fails to provide the requested records, tests, and/or other information to the DMO within a 2-week period, and the diver has not requested and received an extension of time in which to provide such information, the diver will be sent a temporary not-fit-for-duty (NFFD) letter by the DMO.
2. If it is determined by the DMO that a potentially disqualifying condition does in fact exist, he/she drafts the Individualized Assessment (IA) document and forwards the IA to the Director of Office of Marine and Aviation Operations (OMAO) Health Services (DHS) within **one week**. Medical information (not the actual medical records documents) may be shared with management officials on a need to know basis.
3. The DHS has a period of **one week** to review the IA (the 1-week period does not apply if questions must be resolved with the DMO) and provide feedback to the DMO.
4. The DMO will draft a cover letter and forward all documents to the Chairperson, NOAA Dive Medical Review Board (NDMRB), normally **within three business days**.
5. The Chairperson, NDMRB, will forward all documents to the members of NDMRB normally **within three business days**.
6. The members of the NDMRB will have up to **four weeks** to review the IA and all accompanying information and individually respond in writing to the Chairperson, NDMRB, with their recommendations on fitness to dive. The Chairperson will summarize these recommendations in a letter with the final recommendation as to fitness to dive to the DMO. If the NDMRB recommends any specific conditions or stipulations for diving clearance, the NOAA Diving Control and Safety Board (NDCSB) may be consulted regarding operational feasibility of implementing any stipulation or condition. The NDCSB will respond in writing to the Chairperson of the NDMRB who then sends a letter to the DMO with the final recommendation as to fitness to dive. If the final recommendation is fitness to dive, the DMO will notify the Dive Program Manager (DPM) who will then notify the applicant or diver.
7. If the final recommendation is not fit for diving duty, the DMO will notify the Commissioned Personnel Center (CPC; if the applicant or diver is an officer) or the Work Force Management Office (WFMO; if the applicant or diver is a wage mariner) as appropriate.

8. The IA is then sent for legal review. Legal review is normally within **two weeks** but longer if additional information is required.
9. The DMO is notified when legal review is completed and notifies the DPM of the outcome. CPC will also be notified if the applicant or diver is a NOAA Corps officer.
10. The DPM will notify the diver/applicant normally **within seven days** of the fitness to dive decision. If the outcome is not-fit-for-duty (NFFD), the applicant or diver will be informed of the reconsideration process at this time.
11. If the applicant or diver wishes to request a reconsideration of the IA determination, a letter requesting this reconsideration must be sent to the DPM within **four weeks** accompanied by documents for all **new** medical information unless an extension is officially requested in writing to the DPM. These records are then forwarded to the DHS.
12. In the reconsideration process, the DHS has **two weeks** to review all additional information and draft a letter to OMAO with a recommendation. OMAO has approximately **two weeks** to make the final decision, which will be reported to the DPM. The DPM will notify the applicant or diver within **one week**.
13. The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a fit-for-duty (FFD) determination.

**INDIVIDUALIZED ASSESSMENT PROCESS FOR POSITIONS WITH
MEDICAL STANDARDS
NOAA Health Services Questionnaire (NHSQ) – General Information**

1. When the Regional Director of Health Services (RDHS) becomes aware of a potentially disqualifying condition on a new or existing NHSQ, he/she may request more information in writing in the form of medical tests or consultations to assist in the fitness for duty determination process within **one week**. The individual has **two weeks** from receipt of this notification to provide the additional requested information. Failure to submit requested information in the designated time frame may result in nonparticipation in a desired cruise.
2. If no potentially disqualifying medical condition is identified by the RDHS as a result of this requested information, the individual is notified of fitness to sail. If one is identified, the RDHS drafts the Individualized Assessment (IA) document and forwards it to the Director of Office of Marine and Aviation Operations (OMAO) Health Services (DHS) within **one week**.
3. The DHS will review the IA and send it for physician consultation normally within a **one week** period. Once the physician consultation is obtained, the DHS will send the IA for legal review within **one week**.
4. The legal review process normally takes **two weeks**. If additional information is required such a determination may take longer.
5. The DHS is notified when legal review is completed and will notify the RDHS of the outcome. The RDHS will then notify the individual of the outcome within **one week**. If the outcome is not-fit-for-duty (NFFD), the individual will be informed of the reconsideration process.
6. If the individual wishes to request a reconsideration of the IA determination, a letter requesting this reconsideration must be sent to the DHS within **four weeks** accompanied by relevant new documentation for reconsideration of fitness for duty.
7. In the reconsideration process, the DHS has **two weeks** to review all additional information and draft a letter to OMAO with a recommendation. OMAO has approximately **two weeks** to make the final decision, which will be reported to the DHS. The DHS will notify the individual of the decision within **one week**.
8. The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a fit-for-duty (FFD) determination.

**INDIVIDUALIZED ASSESSMENT PROCESS FOR POSITIONS WITH
MEDICAL STANDARDS
Wage Mariner New Applicant – General Information**

1. When the Workforce Management Office (WFMO) offers a position to an applicant, the Regional Director of Health Services (RDHS) completes a medical interview by phone within **two weeks** of the offer. If the RDHS is unable to contact the applicant within **two weeks or three tries**, WFMO will be notified and the applicant will be returned to them. If the phone interview reveals a potentially disqualifying medical condition, the RDHS will request in writing within **three days** additional medical testing and/or records. The applicant has **two weeks** from receipt of this notification to provide the additional requested information.
2. If no potentially disqualifying medical condition is identified by the RDHS, the applicant is scheduled for a physical examination. If a potentially disqualifying medical condition is identified upon physical examination, more medical information may be requested from the applicant in writing. The applicant then has **thirty days** from the receipt of the written request to provide the additional information or explanation of condition. Failure to submit requested information in the designated time frame may result in withdrawal of the position offer by WFMO.
3. If the RDHS determines that a potentially disqualifying condition does in fact exist, he/she drafts the Individualized Assessment (IA) document and forwards the IA to the Director of Office of Marine and Aviation Operations (OMAO) Health Services (DHS) within **one week**.
4. The DHS has a period of **one week** to review the IA and send for physician consultation (the 1-week period does not apply if questions must be resolved with the RDHS). If no questions are posed or when issues are resolved, the DHS drafts a cover letter and sends it to WFMO.
5. WFMO will review the document and then forward for legal review. Legal review is normally within **two weeks** but longer if additional information is required.
6. WFMO is notified when legal review is completed and will notify the wage mariner applicant of the outcome within **one week**. If the outcome is not-fit-for-duty (NFFD), the officer or civilian will be informed of the reconsideration process at this time.
7. If the wage mariner applicant wishes to request a reconsideration of the IA determination, a letter requesting this reconsideration must be sent to the DHS within **ten days** accompanied by relevant documentation for reconsideration of fitness for duty.
8. In the reconsideration process, the DHS has **one week** to review all additional information and draft a letter to OMAO with a recommendation. OMAO has approximately **two weeks** to make the final decision, which will be reported to WFMO through the DHS. WFMO will notify the wage mariner employee within **one week**.
9. The reconsideration determination is the final decision and cannot be further reconsidered. If new and additional information is obtained after the reconsideration decision, a new IA must be conducted for a fit-for-duty (FFD) determination.