

PRE-EMPLOYMENT PHYSICAL REQUIREMENTS

Instructions for OP&F Employers

Required items: A Pre-Employment Physical check-list

Under Ohio Revised Code (ORC) 742.38 and Ohio Administrative Code (OAC) 742-1-02, the following six items must be received no later than 60 days after the employee's first day of earning full-time compensation. The tests must be performed no later than the end of business on the employee's first day of full-time employment and no earlier than nine months prior to the employee's first day of full-time employment. Employers can download the Member's Medical Questionnaire and Examining Physician's Certification form at www.op-f.org/employers by clicking on Forms.

It is the employer's responsibility to timely file the following:

- Electrocardiogram (EKG) and cardiac stress test performed consistent with standard Bruce protocol;
- Chest x-ray that is at least a P.A. 72" (i.e. front to back);
- Lipid profile that includes total cholesterol, triglycerides, LDL and HDL levels;
- Spirometry that represents at least a valid and reproducible forced expiratory volume at one (1) second (FEV1), forced vital capacity (FVC), and forced expiratory volume at one second/forced vital capacity (FEV1/FVC) that meets the criteria of the American Thoracic Society;
- Examining physician's certification (Section E of the Member's Medical Questionnaire)
- Member's Medical Questionnaire (Sections A, B and C)

Penalties associated with the Pre-Employment Physical

If an employer does not timely file the six medical reports listed above, penalties will be assessed based on the number of days past due. Fines will be assessed from the original due date according to the table below.

Phase	Days past due	Penalty applied per incident*
1	1-15 days	\$100
2	16-60 days	\$500
3	61-180 days	\$1,000
4	181 + days	\$3,000
Annual cap (per calendar year per employer)		\$20,000

* Employers with five or fewer OP&F members are capped at \$1,500 per incident.

Terminated or transferred employees

If there is no loss of the employee's OP&F membership, a pre-employment physical will not be required, unless the employee was hired after Sept. 16, 1998, and the previous employer did not file a complete Pre-Employment Physical with OP&F.

If an employee has left employment or transferred to another employer, and penalties were applied due to insufficient filing of the required medical reports, all penalties will stop on the earlier of the termination date or the date that the employer complied with the pre-employment physical requirements. The former employer must provide written documentation to OP&F of the employee's termination. In order to avoid the assessment of penalties, please contact OP&F prior to the employee's hire date to make this determination.

Penalties associated with the Pre-Employment Physical *(continued)*

Reinstated employees by agreement, court order or arbitrator

For members who are reinstated to OP&F membership by an agreement, court order, or arbitration, a new pre-employment physical will not be required. However, the employer should immediately notify OP&F and submit a complete copy of the agreement, court order or arbitration when reinstating an employee.

Special penalty provisions

Under the following situations, employers in good standing can submit a written request for a reduction in penalties:

1. the employer hired a new clerk who did not undergo OP&F training prior to the late filing;
2. the employer is a new filer (within the past year) with OP&F and the person responsible for filing did not undergo OP&F training prior to the late filing;
3. an act of God (i.e. natural disaster, fire, flood) adversely impacts the employer's ability to timely file. This is not intended to apply to overall computer problems, a clerk being sick, or other related items;
4. there is a medical leave exceeding ninety (90) days involved for the person responsible for the filing;
5. theft in office has occurred by the person responsible for the filing; or
6. the penalties assessed will result in the employer being declared in fiscal emergency.

If the event is documented to the satisfaction of OP&F's Director of Member Services and Director of Financial Services, a penalty reduction of between 25 percent and 75 percent may be given as allowed for in Section 742-8-13 of the OAC.

Frequently Asked Questions about the Pre-Employment Physical

Why is a pre-employment physical required?

Under ORC 742.38 and OAC 742-1-02, Ohio Police & Fire Pension Fund (OP&F) can evaluate disability cases resulting from heart, cardiovascular or respiratory disease incurred in performing an employee's official duties. This is done by establishing a pre-employment health baseline through the prospective member of OP&F undergoing prescribed medical tests and procedures.

Which employees must have a Pre-Employment Physical?

The employee must be paid from public funds of the employing municipal entity and be:

POLICE OFFICERS:

- A full-time, regular police officer in a police department of a municipal corporation appointed from a duly-established civil service eligible list or pursuant to ORC Section 124.411;
- A full-time, regular police officer in a police department who is appointed pursuant to ORC Section 737.15 or 737.16 and is paid solely out of public funds of the employing municipal corporation; or
- A full-time police officer with a police department who is required to satisfactorily complete a peace officer training course in compliance with ORC Section 109.77.

FIREFIGHTERS:

- A full-time firefighter who is employed by a fire department of the state, instrumentality of the state, or of a municipal corporation, township, joint fire district, or other political subdivision in a position in which he or she is required to satisfactorily complete, or to have satisfactorily completed, a firefighter training course approved under former Ohio Revised Code (ORC) Section 3303.07 or Section 4765.55, or conducted under ORC Section 3737.33.

What if the employer cannot obtain one or more of the required tests?

If the employer is unable to obtain a test due to the member's specific medical condition, religious beliefs, or the member's refusal to undergo a specific test, the employer can provide supporting documentation to OP&F and may submit a written request to waive the test or report for such reason. In addition to the employer's written waiver request, if the waiver is for:

- *medical reasons*, submit supporting documentation signed by the physician
- *religious beliefs*, submit a notarized affidavit signed by the member certifying such fact
- *member's refusal*, submit a notarized affidavit signed by the member certifying such fact

OP&F will notify the employer in writing within thirty (30) days upon receipt of such a request if the waiver is granted or denied. If granted, the employer shall not be obligated to cause the employee to undergo the specific test that was waived. A waiver shall result in the member's inability to use the presumptive disability provision outlined in Section 742.38 of the Ohio Revised Code.