

ARTICLE 22: MEDICAL CLEARANCES, WAIVERS, AND HEALTH ISSUES

MEDICAL CLEARANCE AND WAIVERS

- 22.1 The regulations and procedures governing FAS pertaining to the Medical and Health Program are those cited in this Article and 3 FAM 1900.
- 22.2 It is the responsibility of the individual to notify, in writing, the Deputy Administrator/ FAA and the Servicing Personnel Office (SPO), no less than 60 days prior to departure for an overseas assignment, that they have NOT obtained medical clearance for all family members. The individual, based upon the information that has been provided by State Department, should also indicate what steps he or she is taking to resolve the issue.

MEDICAL REVIEW OF A CLEARANCE DECISION FOR IN-SERVICE INDIVIDUALS

- 22.3 On occasion, a medical clearance is denied because an individual or his/her eligible family members(s) has a medical condition that is serious enough to preclude or limit overseas assignment.
- 22.4 If a medical clearance is denied or limited, an individual may request, in writing, a medical review of the clearance decision.
- 22.5 At the request of an individual, the Medical Director/State Department will convene a panel of three (3) physicians to review the clearance decision. If the review board determines that there would be undue risk to the examinee at the proposed post, the original clearance decision will stand.
- 22.6 Following the decision of the review board, an individual may request an administrative waiver for a proposed overseas assignment. The individual must initiate a request to the SPO, in writing, for the waiver within 10 days of notification of the clearance decision. After notifying the SPO, the individual must also submit the following information within 20 days:
- a. a written explanation of why the individual believes the medical requirements should be waived; and,
 - b. medical documentation, if available, from physicians other than State Department that would support the individual's request for the waiver.
- 22.7 An FAS Overseas Employment Review Committee will be convened to review the waiver request. The Committee will consist of the Deputy Administrator/FAA or his/her designee, a representative from the SPO, a Foreign Service Officer selected

from a list of six (6) recommendations provided by AFSA/FAS, and a representative from the Civil Rights Staff/FAS.

- 22.8 The Committee will contact the Medical Director/State Department or designee and request a summary presentation of the clearance decision. In reviewing the decision, the Committee should also consider such factors as the length of the proposed assignment, the impact the assignment may have on the individual's or eligible family member's medical condition, Agency need, and necessary accommodations. Based on the information provided, the Committee will determine whether an administrative waiver is appropriate. If a waiver is granted, the decision will be forwarded to State Department for implementation.

MEDICAL REVIEW OF A CLEARANCE DECISION FOR PRE-EMPLOYMENT

- 22.9 On occasion, a medical clearance may be denied or limited because an applicant has a medical condition that is serious enough to preclude conversion to the Foreign Service.
- 22.10 If a medical clearance for an applicant or eligible family member is denied or limited, an applicant may request, in writing, an administrative waiver.
- 22.11 The individual must initiate a request to the SPO, in writing, for the waiver within 10 days of notification of the clearance decision. After notifying the SPO, the applicant must also submit the following information within 20 days:
- a. a written explanation of why the applicant believes the medical requirements should be waived; and,
 - b. medical documentation, if available, from physicians other than State Department that would support the applicant's request for the waiver.
- 22.12 An FAS Overseas Employment Review Committee will be convened to review the waiver request. The Committee will consist of the Deputy Administrator/FAA or his/her designee, a representative from the SPO, a Foreign Service Officer selected from a list of six (6) recommendations provided by AFSA/FAS, and a representative from the Civil Rights Staff/FAS.
- 22.13 The Committee will contact the Medical Director/State Department or designee and request a summary presentation of the clearance decision. In reviewing the clearance decision, the Committee should consider such factors as progressive nature of the medical condition, whether accommodation of the medical condition would cause an undue hardship on the Agency, and whether the applicant is willing to accept, in writing, unaccompanied tours. Based on the information provided, the Committee

will determine whether an administrative waiver is appropriate. If a waiver is granted, the decision will be forwarded to State Department for implementation.

- 22.14 An applicant or eligible family member(s) cannot be granted an administrative waiver of the medical examination on the grounds of religious convictions.

FITNESS FACILITIES

- 22.15 The Employer agrees to continue support of FAS employees' ready access and utilization of fitness/health centers located at the South Building or any work site where the majority of FAS employees are located. AFSA/FAS reserves the right to bargain to the fullest extent permitted by law and executive order, over fitness and health facilities if bargaining unit members' access to fitness and health facilities changes.

FOOD SERVICES

- 22.16 The Employer agrees to continue to support FAS employees' ready access and utilization of food service centers located at the South Building. AFSA/FAS reserves the right to bargain to the fullest extent permitted by law and executive order over food service facilities if bargaining unit members' access to food service facilities changes.

SMOKING POLICY

- 22.17 The smoking policies are clarified in the USDA Secretary's announcement (DR 4400-6) dated December 16, 1996. The Employer agrees that no bargaining unit member shall be discriminated against based on his/her smoking status.

SMOKING CESSATION PROGRAM

- 22.18 The Employer will allow up to two hours per pay period on duty time for employees to voluntarily attend the smoking cessation program of their choice. This opportunity will be made available on a one time basis for each employee. Employees who attend smoking cessation programs during work hours will notify their direct supervisor in advance with the following information: the purveyor of the program, the schedule of classes, and the total hours to be spent in the classes.
- 22.19 The parties recognize that continuation of this program is dependent on available funds within the Employer's budget. The Employer will review the availability of funds as part of its annual budget process. Should the Employer believe a change in the program is warranted, the Employer will provide AFSA/FAS with a written

statement describing the change, and negotiate if appropriate and requested.

- 22.20 The Employer reserves the right to terminate the program upon the announcement of reduction in force and/or furlough actions that may be necessitated by budget or ceiling constraints or other constraints beyond the control of the Employer.