

## PROGRAM DIRECTIVE

Program Directive   A-101    
Issued   October 1, 1980    
Revised   June 29, 2000  

**SUBJECT:** Medical Examinations: Rehired Employees

**AFFECTED CODES/**

**DIRECTIVES:** OAR 437-02-1910.1025(j); 437-02-1910.1001(l); 437-02- 1910.1044 (m)(2); 437-02-1910.1018(n)(1) through (n)(4); 437-02-1910.1045(n)(1) through (n)(4); 437-02-1910.1044 (m)(1) through (m)(3)

**PURPOSE:** To give guidance to compliance officers and employers on the requirements for initial employment and periodic examinations for employees who are rehired after a period of absence.

**BACKGROUND:** Original guidance on the subject of examination of rehired Employees was provided by Oregon Occupational Safety and Health Division (OR-OSHA) Health Policy Statement #8. Since the adoption of that policy, new codes have been adopted as has the program directive system of stating OR-OSHA policy. This program directive replaces and expands upon Policy Statement #8.

Specific Chemical Codes Requiring Medical Monitoring:

- A. Acrylonitrile (1910.1045(n)(1) through (n)(4)). These rules require annual examinations, and a termination exam to be conducted prior to termination of employment. Where employees are rehired within one year of the date of the last examination, the next medical exam should be scheduled within 12 months of the most recent medical examination conforming to 1910.1045(n)(3)(i).
- B. Asbestos (1910.1001(l)(1) through (l)(6)). A pre placement exam is required within 30 days following the first employment and a termination medical exam is required to be administered within 30 calendar days before or after termination of employment. Annual exams are required during employment. There is a clause in 1910.1001(l)(6) which states that no medical examinations are required where an employee has been adequately examined within the past one-year period. The employer in this case must have access to records of any previous exam that is used in the employer's medical monitoring program and must make the record available to OR-OSHA.

- C. Carcinogens (1910.1001(l)(1)). The carcinogen rules require that employees be given medical examinations prior to assignment to a regulated area and that annual examinations be administered during the period of employment thereafter.

Where an employee is absent from employment in a regulated area for a period of less than one year since the previous medical examination, the examination following return to employment in a regulated area may be administered within 12 months of the employee's most recent medical examination conforming to 1910.1001 (l)(1).

- D. DBCP (1910.1044(m)(1) through (m)(3)). At the time of initial assignment and annually thereafter the employer is required to provide each employee with a medical examination.

Employee absences will be handled as in subsection (c) for carcinogens with all tests to conform to 1910.1044(m)(2).

- E. Inorganic Arsenic (1910.1018(n)(1) through (n)(4)). The provisions of the inorganic arsenic rules require pre-assignment medical examinations and either annual or semi-annual exams thereafter depending on the classification of the employee by age and years of exposure. A medical exam is also required to be given to each covered employee not more than six months prior to termination of employment.

If an employee is absent from employment for less than the six or twelve month assigned examination period, then a reassignment or rehire examination need not be provided by the employer until the original examination period expires. Employees absent beyond the expiration date of their examination period shall be provided with re-hire medical examinations.

- F. Lead (1910.1025(j)). Where employees are exposed above the action level for more than 30 days per year, the employer must make available blood sampling and analysis at least every six months and pre-assignment medical examinations for covered employees. Medical examinations are to be provided at least annually for each employee for whom a blood analysis during the preceding 12 months indicated a blood lead level at or above 40 mg/100g. In addition, medical examinations and consultation will be provided as needed for any of the reasons stated in 1910.1025(j)(3)(c) and (d).

Where an employee is absent from employment in the surveillance area for less than six months since the last blood lead analysis, a resumption of duties or return to work in the surveillance area will only require that a blood lead analysis be made available within a

6-month period from the last analysis provided by the employer. Employees who were on medical removal protection status or who had blood lead levels in excess of 40 mg/100 ml immediately prior to their absence must be provided with blood lead analysis prior to reassignment to the surveillance area. Where an employee leaves the firm for a period exceeding 12 calendar months, a full pre-assignment medical exam is required to be made available to the employer if the employee is to be reassigned to the surveillance area. Such employees must be considered new hires and treated as if their medical condition is unknown at the time of re-hire.

- G. Vinyl Chloride (1910.1017(k)(1) through (k)(7)). For the purposes of medical examinations for biological monitoring Employees are grouped as having been employed for less than 10 years or for 10 years or longer. At the time of initial assignment all employees are to be given medical examinations and annually thereafter for those employed less than 10 years (1910.1017(k)(2) (ii)). For those employed longer than 10 years, the medical exams are to be offered at least every six months (1910.1017(k)(2)(i)).

Employees who are absent from the firm for a period not exceeding six or twelve months (depending on the length of employment) since the last medical examination may, upon returning to work at the firm, be scheduled for the next examination as though the employee had worked continuously since the last medical examination conforming to 1910.1017(k)(2)(i), (ii) or 1910.1017(k)(7). Employees absent for longer than the normal testing period since the last medical examination will be treated as new assignees with respect to medical examinations.

All irregularities in testing periods should be noted and explained in employee records. It is recommended where employees may have incurred exposures or medical problems during absences from employment that employers consider providing appropriate medical examinations prior to reassigning the employee to a regulated area.

**ACTION:** Compliance officers and employers should use these guidelines in determining when employee testing and medical examinations must be provided to those employees who have been absent for extended periods.

**EFFECTIVE DATE:** This directive is effective immediately and will remain in effect until cancelled or superseded.