



FIRE & POLICE PENSION ASSOCIATION OF COLORADO

Dear Employer:

As of September 1, 1989, House Bill 1208 requires the usage of the Colorado Fire and Police Pension Association Statewide Standard Health History form by all employers whose employees are provided death and disability coverage from the statewide plan set forth in C.R.S., § 31-31-803.

In order for this form to be properly submitted to FPPA, an employee must (1) fill out the form, (2) sign the form prior to employment, (3) have the form properly witnessed, and (4) submit the form to FPPA within 60 days of the employee's hire date. When the form is not properly completed prior to employment or if it is not timely filed with FPPA, the employer may be held liable for payment of disability benefits to a member or survivor benefits to a member's family if all of the following conditions exist:

1. The member applies for disability retirement or the member dies and the family applies for survivor benefits from FPPA;
2. The employer failed to timely obtain and file the required health history form; and
3. The member's disability existed at the commencement of his employment or is the proximate consequence or result of a medical condition that existed at the commencement of employment or the member's death is the proximate consequence or result of a medical condition that existed at the time of employment. See, C.R.S., § 31-31-810.

For further information regarding compliance with the health history form requirements and the Americans with Disabilities Act, please see the enclosed memo from FPPA dated December 23, 1997.

Please note that for the convenience of both employers and employees, an employee can come in early on his first day of work and complete the health history before beginning his first shift. As long as he was not being paid for the time he took to fill out the form, then, technically, he has not started his employment.

Fire and Police Pension Association

Attachment

**TO: Employers Covering Firefighters and Police Officers
Under the Statewide Death and Disability Plan**

FROM: Fire and Police Pension Association

DATE: December 23, 1997

RE: FPPA Statewide Standard Health History Form

We have reviewed the Americans with Disabilities Act (ADA) as it applies to FPPA as an entity that administers benefit plans. In so doing, we have become aware of certain restrictions on employers in medical testing and medical inquiries of job applicants. As these restrictions affect the procedures whereby the employer processes the FPPA health history form, we make the following recommendations.

The FPPA medical forms should be given to job applicants only after a job offer has been extended to the applicant. The form should be completed, however, prior to the actual commencement of employment. Each such "new hire" employee should understand that the medical form's purpose relates only to benefits, which may accrue as a result of death or disability.

The ADA requires that information obtained from applicants in response to a medical inquiry be kept strictly confidential. Although we do not recommend that you retain a copy of the health history form, should you decide to do so, any copies of the form retained by an employer, after forwarding the original to FPPA, must be segregated from all personnel information and retained in a separate medical file. Under the ADA, such confidential medical information may be released in only three situations:

1. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
3. Government officials investigating compliance shall be provided relevant information on request.

This is merely a summary of some of the requirements of the ADA. Please refer to Section 102(c) of Title I (Employment) of the ADA, and to the Equal Employment Opportunity Commission's regulations implementing the ADA, 29 C.F.R. Part 1630.14, for the specific restrictions on the pre-employment use of medical exams and inquiries.

State law requires that the health history form be **completed prior to the commencement of employment** and be filed with FPPA within 60 days from commencement of employment. Please refer to Section 31-31-810, C.R.S., as amended, and FPPA Rule 513 for more information in this regard.