

Policy

EMPLOYEE HEALTH

Examinations

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation including the testing for drug use and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those listed in administrative code. Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the chief school administrator on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

In order to protect the pupils and staff in the district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

Any employee whose condition of physical or mental is thought to be a possible danger to the health or welfare of pupils or other employees may be required by the Board at any time, upon recommendation of the superintendent, to submit to physical or psychiatric examination.

When an employee is requested to submit to any examination other than the annual physical examination, he/she shall be provided with:

- A. A written statement of reasons for the request;
- B. An opportunity for a Board Hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
- C. Adequate prior notice of the date of the hearing;
- D. Copies of statements or affidavits relied on by the Board prior to the hearing;
- E. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
- F. An opportunity to present witnesses on his/her behalf.

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Reports of these examinations shall include a statement by the examining physician or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or creating a risk to the health or welfare of pupils or other employees, or a statement that no such condition exists.

All records of such examinations shall be filed with the district Medical Inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
 - 1. Methods of compliance;
 - 2. Hepatitis B vaccination;
 - 3. Post-exposure evaluation and follow-up;
 - 4. Hazard communication requirements;
 - 5. Effective employee training;
 - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The chief school administrator in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of the requirements for health examinations.

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Review/Update by NJSBA:	January 2008
Readopted:	March 19, 2008

EMPLOYEE HEALTH (continued)Key Words

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

Legal References: <u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	Comprehensive Drug Reform Act of 1987
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:16-3	Character of examinations
<u>N.J.S.A.</u> 18A:16-4	Sick leave; dismissal
<u>N.J.S.A.</u> 18A:16-5	Records of examinations
<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
<u>N.J.S.A.</u> 18A:66-39	Disability retirement
<u>N.J.S.A.</u> 26:4-1	"Communicable disease" defined
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	Acquired Immune Deficiency Syndrome
<u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:32-6.2,-6.3 (b)	
<u>N.J.A.C.</u> 6A:16-1.4 <u>et seq.</u>	District policies and procedures
<u>N.J.A.C.</u> 6A:16-2.1	Health services policy and procedure requirements
<u>N.J.A.C.</u> 8:57-2.1 <u>et seq.</u>	Reporting of Acquired Immunodeficiency Syndrome and Infection with Human Immunodeficiency Virus

<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
<u>N.J.A.C.</u> 12:100-4.2	Safety and Health Standards for Public Employees (Adoption by reference)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

29 CFR 1910.1030 - Bloodborne Pathogen Standard

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Florham Park v. Florham Park Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

Cross References: *4211	Recruitment, selection and hiring
*4212.6	Personnel records
4217.50	Standards for staff discipline
4217.52	Dismissal/suspension
*4219.23	Employee substance abuse
4250	Leaves

*Indicates policy is included in the Critical Policy Reference Manual.