

Staff Health

(And Physical and Mental Health Examination Requirements)

Through its overall safety program and various policies pertaining to school personnel, the Board shall seek to ensure the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the Board may require physical examinations of its employees or applicants for employment. The district shall pay for all such physical examinations. Results of such physical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only in limited circumstances.

Routine physical examinations

Subsequent to a conditional offer of employment and prior to commencement of work, the district may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subject to such examination. A 30-day grace period may be allowed if approved by personnel services.

All bus drivers, including full-time, part-time or temporary, shall be required to have a physical examination once every two years to obtain or renew an operator's permit.

Special examinations

The Board recognizes that an individual's medical diagnosis is privileged information between the patient and medical professionals. However, whenever a staff member's medical condition is such that it interferes with the ability to perform required duties or there is an unacceptable risk to the health and safety of the employee or others, the district shall take necessary steps to evaluate the employee's condition and make appropriate employment decisions.

The Board may request physical examinations and/or mental health examinations of any employee at any time to determine if the employee has a physical and/or mental condition, disease or illness which may interfere with the employee's ability to perform required duties or which may pose an unacceptable risk to the health, safety or welfare of the employee or others. The school district shall select the medical professional to conduct such examination and shall pay the costs associated with such examination.

When the employee cannot perform the essential functions of the job with reasonable accommodation, or medical evidence establishes that the employee's condition poses a significant risk to the health, safety or welfare of the employee or others, the school

district may suspend and/or terminate the employee in accordance with applicable policies and regulations **and applicable law**.

Readily-transmitted communicable diseases

An employee with an acute, common communicable disease shall not report to work during the period of time when contagious/infectious. The district reserves the right to require a physician's statement prior to the employee's return to work.

An employee afflicted with a serious, readily-transmissible disease or condition shall be encouraged to report the existence of the condition or illness in case there are precautions that must be taken to protect the health of others.

HIV infection

Any employee who becomes aware of personal infection with the human immunodeficiency virus (HIV), which although life-threatening poses little risk of transmission in a school setting, is encouraged to report to a designated school administrator the diagnosis of HIV. The administrator shall follow the procedures accompanying this policy to evaluate the employment status of the staff member.

To encourage disclosure, the school district shall endeavor to treat these employees in a fair, nondiscriminatory and confidential manner consistent with the district's legal obligations. Federal and state law mandate, pursuant to provisions protecting persons with disabilities that such employees shall not be discriminated against on the basis of their disabilities and that reasonable accommodations **shall** be made to enable qualified individuals **with disabilities** to continue working.

Confidentiality

In all instances, district personnel shall respect the individual's right to privacy and treat any information regarding the medical condition or medical history of an employee or applicant as confidential information. The superintendent shall develop procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

Current practice codified 1996

Adopted: date of manual adoption Revised: February 17, 2009

LEGAL REFS.: 29 U.S.C. 794 (1983) (*Section 504 of the Rehabilitation Act*)

42 U.S.C. 12101 *et seq.* (*Americans with Disabilities Act*)

C.R.S. 8-2-118 (*employer must bear cost of medical exam*)

C.R.S. 22-32-110(1)(k) (*board's power to adopt policy related to safety, conduct and welfare of employees*)

C.R.S. 22-63-301 (*grounds for teacher dismissal*)

C.R.S. 24-34-401 *et seq.* (*discriminatory or unfair employment practices*)

C.R.S. 25-4-101 *et seq.* (*disease control and sanitary regulations*)

1 CCR 301-26, Rules 4204-R-201 (*regulations regarding operation of school transportation vehicles; requirement of physical exam every two years*)

CROSS REFS.: ACE, Nondiscrimination on the Basis of Disability

EBBA, Prevention of Disease/Infection Transmission

GBA, Open Hiring/Equal Employment Opportunity

GBJ, Personnel Records and Files

GBGG, Staff Sick Leave

GCQF, Discipline, Suspension and Dismissal of Professional Staff

GDQD, Discipline, Suspension and Dismissal of Support Staff

[Revised February 2008]