

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 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 physical exam elements 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.

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 all requirements for health examinations.

Date: Reviewed: November 14, 2012, December 12, 2012
Adopted: January 7, 2013

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

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

Legal References

EMPLOYEE HEALTH

QSAC Monitored:

Section 5: Personnel

Mandated:

N.J.A.C. 6A:32-6.2 requires written policies and procedures for the physical examination of employees and allows policies and procedures to be adopted for candidates for employment. Policies are to be based on the advice and recommendation of the district medical inspector.

N.J.A.C. 6A:16-1.4(a)3 requires policies and programs for the isolation, expulsion and readmission of employees suspected of having a communicable disease.

N.J.A.C. 6A:16-1.4(b)3 requires policies and procedures for sanitation and hygiene when handling blood and body fluids in conformance with N.J.A.C. 8:61-2.1, Participation and Attendance at School by Individuals with HIV Infection, and conforming to the Centers for Disease Control and Prevention guidelines that school implement universal precautions.

N.J.A.C. 6A:16-2.1(a)7 requires policy and procedures for sanitation and hygiene when handling blood and body fluids in conformance with N.J.A.C. 8:61-1.1(f) and in compliance with Centers for Disease Control guides.

Other Reasons:

N.J.S.A. 18A:16-2 allows boards to require an annual physical examination of all employees and requires a physical examination of candidates for employment, after a conditional offer of employment. Boards are permitted to require individual psychiatric or physical examinations. A board may require testing for controlled dangerous substances as defined in N.J.S.A. 2C:35-2 as part of the pre-employment physical examination of a candidate for employment.

N.J.A.C. 6A:32-6.3(b) requires newly employed staff to undergo a physical examination.

The Americans with Disabilities Act (ADA) provides that the board may not require a pre-employment medical exam, but may condition an offer of employment on the completion of a medical exam. Such an examination can include only job-related matters consistent with business or educational necessity.

The New Jersey Public Employees' Occupational Safety and Health Act standards for bloodborne pathogens and by reference N.J.A.C. 12:100-4.2 require adoption of written procedures for containment of bloodborne pathogens among potentially exposed employees. This includes a requirement that employers provide Hepatitis B vaccinations at no cost to the employee within 10 working days of assignment to a position involving exposure.

Recommendation:

A policy on post-offer-of-employment physicals for final candidates for employment and annual physicals for all staff, if the board requires them. Elements of examinations for newly employed staff are listed in the administrative code.

In addition to soliciting input from the medical inspector, policies should provide for the notification to school employees regarding requirements for physical examinations and assure confidentiality of medical records.

Policy should address the board's obligation to give the employee a written statement of reasons for requiring an additional individual physical or psychiatric examination. Policy should also address who pays for examinations.

Policy should also address compliance with federal standards for containment of bloodborne pathogens among potentially exposed employees.

A duplicate of this policy should appear at 4212.4

<u>Legal References:</u>	<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>	AIDS Assistance Act
	<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> 6A:32-6.1 <u>et seq.</u>	School Employee Physical Examinations
	<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)
Elizabeth v. Elizabeth 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

<u>Cross References:</u>	*4111	Recruitment, selection and hiring
	*4112.6	Personnel records
	4117.50	Standards for staff discipline
	4117.52	Dismissal/suspension
	*4119.23	Employee substance abuse
	4150	Leaves

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