

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 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 superintendent 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 students 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.

Employment of Adults Infected by Human Immunodeficiency Virus (HIV)

In accordance with the existing statutes and codes governing the employment of adults infected by Human Immunodeficiency Virus (HIV), the Township of Union Board of Education (board) hereby recognizes its obligation to offer non-discrimination employment to any individual qualified for a position offered by the board. By virtue of this policy, the board directs the administration to recruit employees in a way which ensures this nondiscriminatory philosophy is upheld.

The board accepts the need to maintain strict confidentiality of all employees regarding HIV infection and will not restrict employment or advancement based on awareness of an HIV positive condition. In keeping with this tenet, employee physicals shall not require the disclosure of HIV status. Likewise, no one will be required to disclose his/her HIV status, and should it become necessary to do so, it can only be done with the written consent of the individual so infected.

The only condition which would cause the board to remove an individual from employment under this policy, either temporarily or permanently, would be if and when the individual suffered from weeping skin lesions that

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could not be covered.

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 superintendent 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.

Adopted: June 1999
 NJSBA Review/Update: March 2012
 Readopted: June 2013

Key Words

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

<u>Legal References:</u>	<u>N.J.S.A. 2C:35-1 et seq.</u> <u>N.J.S.A. 18A:16-2</u> <u>N.J.S.A. 18A:16-3</u> <u>N.J.S.A. 18A:16-4</u> <u>N.J.S.A. 18A:16-5</u> <u>N.J.S.A. 18A:40-10</u> <u>N.J.S.A. 18A:66-39</u> <u>N.J.S.A. 26:4-1</u> <u>N.J.S.A. 26:4-6</u> <u>N.J.S.A. 26:4-15</u> <u>N.J.S.A. 26:5c-1 et seq.</u> <u>N.J.A.C. 6A:16-1.4 et seq.</u>	<u>Comprehensive Drug Reform Act of 1987</u> Physical examinations; requirement Character of examinations Sick leave; dismissal Records of examinations Exclusion of teachers and students exposed to disease Disability retirement "Communicable disease" defined Prohibiting attendance of teachers or students Reporting of communicable diseases by physicians <u>AIDS Assistance Act</u> District policies and procedures
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<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 Pathogens 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

Cross References: *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.