

File: GBGA
Author: Cameron Whiting
Date: 04/26/2016
Section: G
Category: B
Sub-Category: GA
Title: Staff Health

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.

Lift Tests

Candidates selected for jobs in the District that require lifting or other physical requirements may be tested by the District or their designated outside agency to verify that the candidate meets those requirements and has the ability to perform essential job functions before being employed by the District.

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 superintendent or his/her designee 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.

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 diagnosed with a serious, readily-transmissible disease or condition (i.e. tuberculosis, etc.) 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.

Blood-Borne Communicable Disease

An employee who becomes aware of personal infection with a long-term communicable disease (HIV, Hepatitis C, Lyme Disease, etc.), which although life-threatening poses little risk of transmission in a school setting, is encouraged to report to a school administrator or District department head the diagnosis of the infection.

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

Personnel Action

In the event an employee of the District is diagnosed as being infected with a long-term communicable disease, a committee made up of the employee, a representative of the employee's choosing, the school or department administrator, a representative from the local health department, and the employee's physician shall be formed. In the event that the employee's physician is unable to serve on the committee, a licensed physician should be appointed by the local health officer. The committee will review the medical/job placement status of the employee to determine the following:

- The nature of the risk of transmission of infection relevant to the activities of the employee in a school setting
- The probability of risk of infection transmission to others by the employee in a school setting
- The probability of any health related risks to the employee
- If restrictions are necessary, what accommodations could be made by the school to avoid excessive limitations

When an employee is determined to be unfit for continued duty because the employee is incapable of performing the essential functions of the position with reasonable accommodation, or poses a direct threat to the health or safety of the employee or others, the employee will be entitled to use any accumulated sick leave in accordance with Board policies.

When an employee has exhausted all sick leave and other applicable leave options and is deemed unfit to resume duties with reasonable accommodation, employment may be terminated through the employee's resignation, retirement or dismissal in accordance with applicable Board policies and applicable law.

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.

Adopted March 12, 1985
Revised November 24, 1987
Revised April 9, 1991
Revised December 2, 1996
Revised March 14, 2006
Revised April 26, 2016

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 conditions)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
 EBBA, Prevention of Disease/Infection Transmission
 GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
 GBJ, Personnel Records and Files
 GCCAA/GCCBA, Instructional Staff/Administrative Staff Sick Leave
 GCQF, Discipline, Suspension and Dismissal of Professional Staff ~~Members~~
 GDCA, Support Staff Sick Leave
 GDQD, Discipline, Suspension and Dismissal of Support Staff ~~Members~~

Pueblo School District No. 60, Pueblo, Colorado