

**BILLINGS PUBLIC SCHOOLS
HUMAN RESOURCE SERVICES**

5011

Page 1 of 3

Staff Health and Communicable Diseases

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

Under the circumstances defined below, the Board may require physical examinations of its employees. 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 as permitted by law.

Physical Examinations

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to a 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.

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 the essential duties of the job or there is a direct threat to the health and safety of the staff member or others, the District has a responsibility to 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 to determine whether the employee is still able to perform the essential functions of the job or whose physical or mental health may pose a direct threat to the health, safety or welfare of the employee or others. The School District shall select the medical professional to conduct such examination.

When the Board determines, based on appropriate physical and/or mental health examinations, that an employee cannot perform the

**BILLINGS PUBLIC SCHOOLS
HUMAN RESOURCE SERVICES**

5011

Page 2 of 3

Staff Health and Communicable Diseases

(continued)

essential functions of the job, with or without reasonable accommodation, or medical evidence establishes that the employee's condition poses a direct threat to the health, safety or welfare of the employee or others, the School District may take action to suspend and/or terminate the employee's employment in accordance with applicable policies and laws.

Communicable Diseases

If a staff person has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff person must notify the school nurse or other responsible person designated by the Board that they have a communicable disease which could be life threatening to an immune compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which s/he is contagious/infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The District reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

Confidentiality

In all instances, District personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Only those persons with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

**BILLINGS PUBLIC SCHOOLS
HUMAN RESOURCE SERVICES**

5011

Page 3 of

Staff Health and Communicable Diseases

(continued)

Note: For purposes of this policy, the term "communicable disease" refers to the diseases identified in ARM 16.28.202 Reportable Diseases, with the exception of common colds and flu.

Legal Reference: 29 USC 794, Section 504 of the Rehabilitation Act
29 CFR, Section 1630.14(c) (1) (2) (3)
41 USC 12101 et. seq., Americans with Disabilities Act
Title 49, Chapter 4, MCA Rights of the Handicapped
Title 49, Chapter 2, MCA Illegal Discrimination
20-10-103(4), MCA
24.9.1041, et. seq., ARM
16.28.101, et. seq., ARM

Date Adopted: March 18, 1996