

Staff Health

(And Medical Examination Requirements)

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

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

Routine medical 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 the district.

School transportation vehicle operators are required to have a medical examination once every two years in accordance with applicable state and federal law.

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 must 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 will select the medical professional to conduct such examination and will 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 must 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 is 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.

Confidentiality

In all instances, district personnel must 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 must develop procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality will be subject to appropriate disciplinary measures.

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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*)
49 C.F.R. 391.43 (*medical examination requirements for commercial driver's license holders*)
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-5.00 *(regulations regarding operation of school transportation vehicles; medical exam requirements)*

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission (Handling Body Fluids)
GBA, Open Hiring/Equal Employment Opportunity
GBGG, Staff Sick Leave
GBJ, Personnel Records and Files
GCQF, Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)
GDQD, Discipline, Suspension and Dismissal of Support Staff