STAFF HEALTH AND SAFETY

(And Physical and Mental Health Examination Requirements)

The Board of Education is concerned about the physical and mental health of all district employees. The district may provide information and workshops for personnel regarding stress management, physical conditioning, emotional stability and other factors.

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. All employees are encouraged to maintain good health and practice good health habits.

The director of human resources is generally responsible for matters involving employee safety and health. Only the director of human resources or the superintendent shall speak for the district when questions arise regarding confidentiality of medical information regarding a possible threat to others posed by a staff member with a serious communicable disease, or regarding the nature of appropriate measures for addressing concerns attendant to a serious communicable disease.

It is improper for any employee who has knowledge or reasonable grounds to suspect that he or she is infected with a communicable disease to willfully expose or infect another with such a disease or to knowingly perform an act or engage in conduct which exposes or infects another person with such a disease.

PHYSICAL AND MENTAL HEALTH 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 imposed by state law. The cost of such examination shall be borne by the district in the amount established by the Board. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subjected to such examination.

The procedures to evaluate employee status for medical reasons also shall be used when a school official has reasonable cause to believe that an employee is afflicted by a life-threatening communicable disease.

All bus drivers, including full-time, part-time or temporary, shall be required to have a physical examination once every two years to obtain or renew an operator's permit.

A special health examination or test may be required whenever an employee has or is suspected of having a physical and/or mental condition, disease, or illness which may interfere with the employee's ability to perform essential job-related functions, or which may be detrimental or pose an unacceptable risk to the health, safety, or welfare of the employee, other district employees or students. Where 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 district may take action to suspend and/or terminate employment, in accordance with applicable policies and procedures and applicable law.

Employees in food-handling positions who have a communicable disease which is included on the Center for Disease Control's (CDC) "List of Pathogens Transmitted through Food Handling" may be reassigned to a nonfood-handling position for which they are qualified, or have employment terminated if no appropriate position is available.

In addition, an employee may be required to provide a statement from a qualified physician and to demonstrate that he or she is physically or mentally capable of doing the work required of his or her position with or without reasonable accommodation. Any special examination or test required by this policy shall be performed by a qualified physician selected by the district. The district will pay the costs of any such required special physical examination or test.

The superintendent shall recommend reasonable costs of examinations to the Board and review them periodically.

READILY TRANSMISSIBLE COMMUNICABLE DISEASES

Readily transmissible communicable diseases include influenza, common colds and other respiratory infections. Although the incidence of serious or life threatening illnesses that are readily transmissible in the school environment is quite low, diseases that are transmitted by airborne droplet, such as measles, active tuberculosis and whooping cough (pertussis), can pose a serious threat to the health of other employees and students.

Employees with influenza, common colds or other easily transmissible minor respiratory infections are encouraged to take appropriate leave to avoid further spread of such infections. Employees afflicted with a serious, readily transmissible disease or condition are encouraged to self-report the existence of the condition or illness.

An employee with an acute disease that is readily transmissible in the school environment shall not report to work during the period of time in which he or she is contagious/infectious. The district reserves the right to require a physician's statement prior to the employee's return to work.

NON-READILY TRANSMISSIBLE COMMUNICABLE DISEASE

There are other serious or life threatening illnesses that are caused by blood-borne or sexually transmissible infectious agents, such as human immunodeficiency virus (HIV) or hepatitis. These are not readily transmissible in the school environment.

Any employee who becomes aware that he has a long-term, communicable disease which, although life-threatening, poses little risk of transmission in a school setting, is encouraged to report to a designated school administrator that he or she is afflicted with the disease. The administrator shall follow the procedures accompanying this policy to evaluate the employment status of the staff member.

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

CONFIDENTIALITY

Employee medical information is confidential. Any information regarding the medical condition or history of an employee or an applicant for employment shall be collected and maintained on separate forms and treated as confidential medical information. Such information shall not be disclosed except to an employee's supervisor where restrictions or accommodations regarding the work or duties of the employee are necessary. If appropriate, first aid and safety personnel may be informed if an employee's medical condition requires emergency treatment. A custodian of such records shall be designated to limit and monitor access to such information in accordance with this policy.

Medical information received by district employees through assisting employees in the filing and processing of insurance or disability claims or in obtaining other benefits shall be kept strictly confidential and shall not be disclosed except as authorized in accordance with this policy or in writing by the employee.

PRECAUTIONS AGAINST TRANSMISSION OF CONTAGIOUS DISEASES

Determination whether an employee with a communicable disease poses a direct threat to the health and safety of other district personnel or students shall be made in accordance with the accompanying regulation. In addition, where district staff members are involved in the handling of body fluids and substances, procedures set forth in Policy EBBA shall be followed. No distinction shall be made between bodily fluids from individuals with a known illness and those from asymptomatic or undiagnosed individuals.

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Revised January 6, 1988
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Legal Refs.: 29 U.S.C. 794 (Section 504 of the Rehabilitation Act of 1973)
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 regulations)
1 CCR 301-26, Rules 4204-R-201 (regulations regarding operation of school transportation vehicles; requirement of physical exam every two years)

Cross Refs.: ACE, Nondiscrimination on the Basis of Disability
EBBA, Prevention of Disease/Infection of Transmission
GBA, Open Hiring/Equal Employment Opportunity
GBJ, Personnel Records and Files
GBGG, Staff Sick Leave
GCQF, Discipline, Suspension and Dismissal of Professional Staff
GDQD, Discipline, Suspension and Dismissal of Classified Staff