Stafford Township Board of Education Regulation

R 3160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant. Physical examination includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

a. A health history shall include, but is not limited to, the candidate's:

(1) Past serious illnesses and injuries;

(2) Current health problems;

(3) Allergies; and

(4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure;

(6) Vision screening;

C. Medical Requirements Upon Employment

1. The Board will follow the current New Jersey Department of Health Guidance for Tuberculosis (TB) Testing in New Jersey Schools.

2. An individual teaching staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the teaching staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency pursuant to N.J.A.C. 6A:32-6.3(c).

D. Health Records

1. Health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files in accordance with N.J.A.C. 6A:32-6.3(d).

2. Health records shall be the property of the Board and may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5 and N.J.A.C. 6A:32-6.3(d).

E. Teaching Staff Member Physical Examinations and Medical Updates

1. Teaching staff member physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.

F. Testing for Usage of Controlled Dangerous Substances (CDS) for Candidates Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment will be required to complete testing, conducted at the Board's expense, for the usage of CDS as defined in N.J.S.A. 2C:35-2.

   a. Candidates will be allowed privacy during specimen collection. Control and accountability of specimens will be maintained with a chain of custody in accordance with accepted practices and as recommended by the approved laboratory. A laboratory approved by the New Jersey Department of Health will be selected by the Board for such testing.

   b. The laboratory will conduct the test in accordance with industry standard practices for testing for CDS.

   c. A Medical Review Officer, who shall be a licensed physician, will review the final results of all positive tests to determine if there is a medical explanation for the results. The Medical Review Officer will review the candidate's medical history and may conduct a medical interview with the candidate to determine any relevant factors contributing to the results of the test. The Medical Review Officer will communicate the results of an investigation regarding positive tests for CDS to the candidate and to the Superintendent.

   d. The ADA prohibits employment discrimination against qualified individuals with disabilities. Persons who use drugs illegally (the use of CDS and the illegal use of prescription drugs) are not protected by the ADA.

   e. After a conditional offer of employment, the school district administration and/or the Medical Review Officer may ask the candidate questions concerning current CDS or alcohol use; however, information obtained may not be used to exclude an individual with a disability, based on the disability, unless it can be shown that the reason for exclusion meets the following three tests:

      (1) It must be job-related and cannot be met with reasonable accommodation;

      (2) It must be consistent with the demonstrated necessity of conducting business; and

(3) It must be related to legitimate job criteria.

f. The school district shall refuse to hire a candidate based upon a test result that indicates the illegal use of a CDS as confirmed by the Medical Review Officer. This action shall be taken even if the candidate claims they recently stopped the illegal use of a CDS.

2. The Superintendent will confer with the Medical Review Officer regarding all positive tests to prevent any ADA violation.

3. Testing for CDS will be required for all candidates for employment who receive a conditional offer of employment in the following job classifications in the school district:

a. all staff

G. Review of Examinations and Assessments

1. The results of a physical examination or testing of a candidate for employment who has received a conditional offer of employment will be reviewed by the Superintendent and the school physician and/or the Medical Review Officer to determine a candidate's physical and mental fitness to function with reasonable accommodation in the position for which the candidate has made application. That determination will be made a part of the candidate's application.

H. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment

1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:

a. An offer of employment by the Superintendent of Schools or designee is conditional upon completion of the Board's required physical examinations, tests, and assessments;

b. The required examinations, tests, and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

c. If it is determined upon completing the examinations, tests, or assessments the candidate is unable to perform with reasonable accommodations job-related functions pursuant to

the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.

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