

**Policy**

EMPLOYEE HEALTH

Examinations

The Alloway Township Board of Education guarantees to all persons equal access to all categories of employment. A required pre-employment examination shall be used only to determine if the applicant is able to perform, with reasonable accommodation, job-related functions.

Each school employee shall submit an updated health history with an assurance statement presented annually within a time frame established by the board of education.

An employee who refuses to submit annually an updated health history with an assurance statement may be required to undergo a physical examination pursuant to applicable state laws and regulations.

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those physical exam elements listed in administrative code. Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the superintendent on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

In the event an employee of the board shows evidence of deviation from normal physical or mental health, the district may require additional individual psychiatric or physical examinations of the employee. When an additional psychiatric or physical examination is required:

- A. The board shall provide the employee with a written statement of reasons for the required additional examination. The district board of education shall provide the employee with a hearing, if requested;
- B. The determination of the board hearing if requested shall be appealable to the commissioner;
- C. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information.

The report of the required psychiatric or physical examination shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or creating a risk to the health or welfare of pupils or other employees, or a statement that no such condition exists.

EMPLOYEE HEALTH (continued)

Confidentiality of employee medical records including computerized records shall be assured. The school district shall regulate access, compilation and maintenance of employee health records in compliance with federal and state statutes governing the collection, maintenance, disclosure and security of employee medical records. It shall be the responsibility of the superintendent to oversee procedures to ensure the security of employee health records maintained in this school district. All records and report of such examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

The section of the medical record which contains the health history, e.g. medications or current health status to assure ready access in a medical emergency, may be shared with the principal and school nurse with the consent of the employee.

In order to protect the students and staff in the district school, all regulations of the State Department of Education, the State Department of Health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
  - 1. Methods of compliance;
  - 2. Hepatitis B vaccination;
  - 3. Post-exposure evaluation and follow-up;
  - 4. Hazard communication requirements;
  - 5. Effective employee training;
  - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The superintendent in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

EMPLOYEE HEALTH (continued)

Adopted: June 18, 1987  
 Revised: October 28, 2003  
 NJSBA Review/Update: December 2019  
 Readopted:

Key Words

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

**Legal References:** N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987  
N.J.S.A. 18A:16-2 Physical examinations; requirement  
N.J.S.A. 18A:16-3 Character of examinations  
N.J.S.A. 18A:16-4 Sick leave; dismissal  
N.J.S.A. 18A:16-5 Records of examinations  
N.J.S.A. 18A:40-10 Exclusion of teachers and students exposed to disease  
N.J.S.A. 18A:66-39 Disability retirement  
N.J.S.A. 26:4-1 "Communicable disease" defined  
N.J.S.A. 26:4-6 Prohibiting attendance of teachers or students  
N.J.S.A. 26:4-15 Reporting of communicable diseases by physicians  
N.J.S.A. 26:5c-1 et seq. AIDS Assistance Act  
N.J.A.C. 6A:16-2.1 et seq. Health services policy and procedure requirements  
N.J.A.C. 6A:32-6.2 School Employee Physical Examinations  
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection  
N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

29 CFR 1910.1030 - Bloodborne Pathogens Standard

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

**Possible**

**Cross References:** \*4111 Recruitment, selection and hiring  
 \*4112.6/4212.6 Personnel records  
 4117.50 Standards for staff discipline  
 4117.52 Dismissal/suspension  
 \*4119.23/4219.23 Employee substance abuse  
 4150/4250 Leaves  
 \*4211 Recruitment, selection and hiring

\*Indicates policy is included in the Critical Policy Reference Manual.