

Staff Health

(And Medical Examination Requirements)

Through its overall safety program and various policies pertaining to school personnel, the district 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 district may require medical examinations of its employees or applicants for employment. The district will pay for all such medical examinations. Results of such physical 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 district 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 district 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.

Adopted by the superintendent: prior to 2018

Revised and recoded by the superintendent: July 17, 2019

Revised: August 12, 2020

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 requirements*)

CROSS REFS.:

Board policy:

EL-12, Staff Treatment

Administrative policies:

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 Classified Staff

Staff Health

The following procedures shall be followed whenever a school official has reasonable cause to suspect that a staff member is seriously ill and the illness is affecting the employee's ability to perform job responsibilities or poses an unacceptable risk to the health and safety of the employee or others. Reasonable cause may exist in but not be limited to situations where the employee's health is observed to be deteriorating to the point of interfering with the performance of duties, when the employee displays persistent physical symptoms of illness, or where there is similar reasonable evidence of such illness.

The superintendent will be the staff member responsible for coordinating the school district's effort to evaluate the employment status of an employee in accordance with these procedures. For purposes of these procedures, the superintendent shall be referred to as the "school officer."

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

Any staff member infected with HIV is encouraged to report this fact directly to the school officer.

If a supervisor has been informed or has reasonable cause to believe that an employee has an illness which is interfering with job performance or posing an unacceptable health risk to the employee or others, the supervisor shall notify the school officer as soon as possible. The school officer shall confer individually with the supervisor and the staff member to assess the situation.

Evaluation of employment status

When an employee is determined to be unfit for continued duty because it has been determined that the employee is incapable of performing the essential functions of the position or poses a direct threat to the health or safety of himself/herself or others, the employee will be entitled to use any accumulated sick leave in accordance with Board policies.

When an employee has exhausted all sick leave and other applicable leave options and is deemed unfit to resume duties, employment may be terminated through the employee's resignation, retirement or dismissal in accordance with applicable Board policies and applicable law.

Confidentiality

All information gained by the district through the application of the accompanying policy and these procedures shall be treated as confidential. Information will be disclosed only as appropriate in connection with these procedures.

Approved: July 17, 2019