

CODIFICATION REFERENCE NUMBER: M 3160

DATE: January 12, 1998

TEACHING STAFF MEMBER'S PHYSICAL EXAMINATION

RESPONSIBILITY: The principal or his/her designee will implement this procedure for policy Teaching Staff Member's Physical Examination.

PROCEDURES:

A. Definitions

1. "Assurance statement" means a written document signed by the subject employee certifying that the information contained in the document is true to the best of the employee's knowledge and belief.
2. "Employee" means the holder of any full-time or part-time position of employment.
3. "Health history" means a written record of a person's past health events and history, completed by the person or the person's physician.
4. "Health screening" means a testing, by various appropriate diagnostic tools, to determine the presence or precursors of disease or debilitating condition.
5. "Medical evaluation" means the examination of a person's body by a physician licensed to practice medicine. Medical evaluation includes a record of immunizations.
6. "Medication" means a drug or other agent prescribed by a physician.
7. "Physical examination" means the assessment of a person's health by health history, health screening, and medical evaluation.
8. "Psychiatric examination" means an examination conducted for the purpose of diagnosing mental disorders by a person licensed to conduct psychological or psychiatric examinations.
9. "Psychological assessment" means the evaluation of a person's mental health by a person licensed to conduct psychological examinations.

B. Employees' initial physical examination

Each candidate for employment who has received a conditional offer of employment to be a teaching staff member shall be required to undergo a physical examination that consists of a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his or her physician and shall include the employee's:
 - a. Past serious illnesses and injuries,
 - b. Current health problems,
 - c. Allergies, and
 - d. Record of immunizations.

2. The employee shall submit to health screenings which consist of the measurement of his or her:
 - a. Height and weight,
 - b. Blood pressure,
 - c. Pulse and respiration rate,
 - d. Vision, and
 - e. Hearing ability.

3. Health screening shall also include the conduct of a Mantoux test for the presence of tuberculosis infection.
 - a. A newly employed member will be exempt from the Mantoux test if he or she presents satisfactory documentation of a test:
 - Administered in a New Jersey school district from which the member has transferred, or
 - Administered in any place within the six months previous to the member's initial employment in our District.

 - b. Procedures for the administration of the Mantoux test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines issued by the State Department of Health and titled "School Tuberculin Testing in New Jersey."

 - c. If the results of the Mantoux test so indicate, the employee shall be referred for a chest X-ray and medical evaluation to determine the presence of tuberculosis at the employee's expense. The employee shall submit the report of the X-ray and evaluation to the school physician. If the school physician does not receive the report within four weeks of the referral or is unwilling to accept the findings of the report, he or she may direct the employee to submit to a chest X-ray examination at Board expense, the results of which will be reported directly to the school physician.

 - d. An employee who presents a physician's documentation, acceptable to the school physician, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.

4. The medical evaluation shall consist of the examination of the employee's body to the extent necessary to determine the employee's fitness to function in the position he or she holds and to detect any health risks to pupils and other employees. The employee's medical evaluation shall include, but not be limited to, a record of immunizations. Guidance regarding immunizations for adults may be found in "Adult Immunization: Recommendations of the Immunization Practices Advisory Committee (ACIP)," available from the Immunization Program, Centers for Disease Control, Public Health, U.S. Department of Health and Human Services, Atlanta, GA 30333.

C. Annual health record

1. Each employee shall annually submit an updated health history with an assurance statement to the school nurse, no later than 1 week following the start of school.
2. An employee who fails to submit the information required shall be required to undergo a physical examination that includes a health history and a medical evaluation.
3. An employee may include in his or her health history such health status information, including medications, as may be of value to medical personnel in the event of an emergency requiring treatment. The employee may also choose to share the same information with the principal and, if desired, with the certified school nurse to assure ready access in a medical emergency.

D. Health records

1. All employee medical records, including computerized records, shall be secured, and shall be stored and maintained separate from other personnel files.
2. Only the employee, the Superintendent, and the school physician shall have access to the medical information in that individual's file.
3. The portion of the employee's medical record containing a health history may be shared with the principal and the school nurse with the consent of the employee.

E. Employee's physical examination and medical updates

School employee physical, examinations and/or annual medical updates shall not require disclosure of HIV status.

F. Examination of candidates for employment

1. Candidates for teaching staff member positions must submit the report of a physical examination conducted at the candidate's expense that includes:
 - a. Health history.
 - b. Health screening.
 - c. Medical evaluation.

Candidates for teaching staff member positions, who have received a conditional offer of employment must complete testing for the usage of controlled dangerous substance as they are 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. The laboratory will be selected by the Board and approved by the New Jersey Department of Health.
- b. The laboratory will conduct an initial or screening test and a confirmatory test. Refusal of employment will not be based on the results of a screening test alone. An initial test is an immunoassay test to eliminate negative test results from further consideration and to identify the potentially positive specimens for the purpose of further testing and confirmation. A confirmatory test is a second analytical procedure to identify the presence of a specific drug which uses more sophisticated technique to ensure reliability and accuracy.
- c. A medical review officer, who is a licensed physician employed by the laboratory certified and qualified to complete drug testing will review the final results of positive drug tests, scrutinizing them for possible alternative medical explanations. The medical review officer will review the candidate's medical history and will conduct a medical interview to determine the other relevant factors contributing to the results of the test. The medical review officer will communicate the results of a positive drug test to the applicant and to the Superintendent.
- d. The American with Disabilities Act (ADA) prohibits employment discrimination against qualified individuals with disabilities. Persons who use drugs illegally (the use of controlled dangerous substances (CDS) and the illegal use of prescription drugs) are not protected by the ADA.
- e. After a conditional offer of employment, the school District may ask questions concerning present drug 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 may refuse to hire an applicant based upon a test result that indicates the illegal use of drugs. This action may be taken even if the applicant claims he/she recently stopped illegally using drugs.
- g. The school District would incur liability under ADA if a person is excluded from a job if the school District erroneously regarded the candidate to be an addict currently using drugs illegally when the drug test showed the presence of a lawfully prescribed drug. The Superintendent will confer with the medical review officer regarding all positive tests to prevent any ADA liability.
- h. All records regarding pre-employment physicals and drug tests will be maintained in separate medical files and treated as confidential medical records. These records will be:
- (1) Kept separate from a candidate's personnel file;
 - (2) Kept in a locked cabinet in a central school District location; and
 - (3) Accessible only to the Superintendent and/or his/her designee.
2. The records of a candidate's physical examination will be submitted to the school physician, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he or she has made application. That determination will be made a part of the candidate's application.
3. A candidate's medical records will be maintained separately from his or her application and will be kept confidential.
- a. If and when the candidate is employed by our District, the records will be kept in the person's medical file.
 - b. If the candidate is not employed by our District within 2 months, the records will be destroyed.