

Superintendent File: GBGA

STAFF HEALTH (AND MEDICAL EXAMINATION REQUIREMENTS)

The District shall seek to ensure the safety of employees during working hours and to assist them in the maintenance of good health. Employees are encouraged to maintain their wellbeing through the practice of safe and healthy habits.

Under the following circumstances, the Superintendent or designee may require medical examinations of employees or applicants for employment. The District shall pay for all such medical examinations. Results of such examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only in limited circumstances.

Pre-employment medical examinations

Subsequent to a conditional offer of employment and prior to commencement of work, the District may require that an applicant undergo a medical examination to determine whether the applicant meets any health requirements imposed by state or federal law or the job-related physical requirements established by the District. 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.

Employee medical 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 shall take necessary steps to evaluate the employee's condition and make appropriate employment decisions.

The District may request medical 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 District shall select the medical professional to conduct such examination and shall pay the costs of 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 District may suspend and/or terminate the employee, in accordance with applicable policies and procedures, any applicable negotiated agreement, and applicable law.

School transportation vehicle operators shall be required to have a medical examination once every two years in accordance with applicable state and federal law.

Readily-transmitted communicable diseases

An employee with an acute, common communicable disease shall 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 shall be 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.

Pandemics

During a pandemic, the District may take its employees' temperatures and ask its employees if they are experiencing symptoms of the pandemic virus. Employees who report or display symptoms associated with the pandemic virus may be required to leave work and/or remain at home. The District may require its employees to certify their fitness for duty through submission of a doctor's note before being allowed to return to work.

When due to a pandemic, a disabled or vulnerable employee cannot perform the essential functions of the job with reasonable accommodation, the District may suspend and/or terminate the employee in accordance with applicable policies and procedures, any applicable negotiated agreement, and applicable law.

Confidentiality

Any information regarding the medical condition or history of an employee or an applicant for employment must 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 in those cases in which restrictions or accommodations regarding the work or duties of the employee are necessary. If appropriate, the District Health Services and Risk Management departments may be informed.

Adopted prior to 1984

Revised: March 17, 1987

Revised: August 17, 1999

Revised by the Superintendent: August 5, 2003

Revised by the Superintendent: August 13, 2020

LEGAL REF.:

42 U.S.C. 12101 et seq. (*Americans with Disabilities Act*)
29 U.S.C. 794 (1983) (*Section 504 of the Rehabilitation 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-5.00 (*regulations regarding operation of school transportation vehicles; medical exam requirements*)

CROSS REFS.:

EBBA, Prevention of Disease/Infection Transmission (Handling Body Fluids)
GBA, Open Hiring/Equal Employment Opportunity
GBJ, Personnel Records and Files
GCQF, Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)
GDQD, Discipline, Suspension and Dismissal of Support Staff