



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 4112.4

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EMPLOYEE HEALTH

Examinations

When a candidate has been formally offered employment with the Newark Public Schools (the "District"), s/he shall be required, as a condition of employment, to submit to a medical evaluation and a physical examination as required by the Administrative Code for all newly employed staff before employment is established. This physical examination may include testing for controlled dangerous substances as they are defined in statute and the Criminal Code.

Health examinations and/or an updated health history assurance statement on an annual basis are required by law for all school employees. The scope of such examinations will be governed by the nature of the position held and applicable state laws and regulations.

All employees claiming sick leave for more than five (5) consecutive workdays are required to submit a physician's certificate and a completed Employee Medical Certification within ten (10) calendar days of the start of the absence due to illness in order to obtain such sick leave. Any employee who is absent for more than twenty (20) consecutive workdays shall, in addition, be seen by a District physician before returning to work. District employees who are absent due to extended illness shall be required to submit a medical doctor's statement and the District's Employee Medical Certificate every thirty (30) calendar days from the initial date of illness. The medical doctor's statement shall reflect a detailed diagnosis, prognosis, and anticipated date of return to work. Periods greater than thirty (30) days may be authorized by the District physician at his/her discretion on a case-by-case basis. The Newark Public Schools Regulation entitled "Health Examinations, Employee Medical Certificate" (Newark Public Schools Policy File Code: 4112.4, revised as of February 21, 1994) shall be in full force and effect.

Any District employee whose condition of physical or mental health is thought to be a possible danger to the health or welfare of District pupils and/or other District employees and/or themselves, may be required by the State District Superintendent or her designee, to submit to physical and/or psychiatric examinations.

When an employee is requested to submit to any examination other than the annual physical examination, s/he shall be provided with a written statement of reasons for the request.

Reports of these examinations shall include a statement by the examining physician as to any physical or mental condition noted which is 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 District pupils or other District employees, or a statement that no such condition exists.

All records and reports of such examinations shall be filed with the District physician as confidential information but shall be available to and reported to appropriate health agencies as required by law and appropriate District personnel for proper administration.

In the event a District employee has been determined to have a mental abnormality or communicable disease, and if in the opinion of the District's physician such condition makes the District employee unfit

EMPLOYEE HEALTH (continued)

for continued employment with the District, the State District Superintendent may remove the District employee from further service as provided by law or grant leave as provided by law during the period of unfitness. A District employee determined to be unfit must provide satisfactory proof of recovery before reinstatement will be allowed.

In order to protect health and safety of the District's pupils and employees , 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. District employees 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.

District employees are required to willfully notify the District physician of any known hazardous health conditions that they possess.

When required examinations are performed by a physician designated by the State District Superintendent, the District shall bear the expense. Should an employee prefer to see his/her own physician, the employee must seek and obtain District approval of the physician and the employee shall bear the expense.

Occupational Containment of Bloodborne Pathogens

The State District Superintendent in collaboration with the local school board is committed to providing a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (the "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 Occupational Safety & Health Administration (OSHA) bloodborne pathogens standard, thereby protecting District 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. Employee Training; and
 6. Recordkeeping.

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Date Adopted by the State District Superintendent: January 25, 2005

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	Controlled dangerous substances
	<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
	<u>N.J.S.A.</u> 18A:16-3	Character of examinations
	<u>N.J.S.A.</u> 18A:16-4	Sick leave; dismissal
	<u>N.J.S.A.</u> 18A:16-5	Records of examinations
	<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
	<u>N.J.S.A.</u> 18A:66-39	Disability retirement
	<u>N.J.S.A.</u> 26:4-1	"Communicable disease" defined
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
	<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
	<u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u>	Acquired Immune Deficiency Syndrome
	<u>N.J.A.C.</u> 6:3-4A.1 <u>et seq.</u>	School Employee Physical Examinations
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6:3-4A.3 through -4A.4	
	<u>N.J.A.C.</u> 6A:16-1.4(a)4	District policies and procedures
	<u>N.J.A.C.</u> 6A:16-2.3(e)	Required school health services
	<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
	<u>N.J.A.C.</u> 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 Pathogen Standard

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

Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022

Health Insurance Probability and Accountability Act, 45 CFR 164.520

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

<u>Cross References:</u>	4111	Recruitment, selection and hiring
	4112.6	Personnel records
	4119.23	Employee substance abuse