

Staff Health

(Medical Examination Requirements)

Through its overall safety program and various policies pertaining to BOCES personnel, the Board shall seek to ensure the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the Board may require medical examinations of its employees or applicants for employment. The BOCES shall pay for all such medical examinations. Results of such physical examinations shall 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 BOCES may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The BOCES 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 Executive Director.

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

Special examinations

The Board 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 BOCES shall take necessary steps to evaluate the employee's condition and

make appropriate employment decisions and in accordance to FMLA.

The BOCES may request a medical examination 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 BOCES shall select the medical professional to conduct such examination and shall 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 BOCES 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 shall not report to work during the period of time when contagious/infectious. The BOCES 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.

Confidentiality

In all instances, BOCES personnel shall 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. Any BOCES employee who violates confidentiality shall be subject to appropriate disciplinary measures.

EAST CENTRAL BOCES BOARD POLICY

Adopted: June 17, 2015

Revised: June 17, 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. 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.: GBA, Open Hiring/Equal Employment Opportunity
GBJ, Personnel Records and Files
GBGG, Staff Sick Leave
GCQF, Discipline, Suspension and Dismissal of Professional Staff
GDQD, Discipline, Suspension and Dismissal of Support Staff