

Regulation

— East Rutherford Board of Education

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R3160 PHYSICAL EXAMINATION

A. Definitions

1. “Employee assurance statement” means a statement signed by the employee certifying that information supplied by the employee is true to the best of the employee’s knowledge.
2. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
3. “Health history” means the record of a person's past health events obtained in writing, completed by the individual or their physician.
4. “Health screening” means the testing of people, using one or more diagnostic tools, to determine the presence or precursors of a particular disease.
5. “Medical evaluation” means the examination of the body by the school medical inspector or by any physician licensed to practice medicine.
6. “Physical examination” means the assessment of an individual’s health.
7. “Psychiatric examination” means an examination for the purpose of diagnosis and treatment of mental disorders.

B. Employees’ Initial Physical Examination

Each newly employed teaching staff member shall be required to undergo a physical examination. The physical examination shall include, but is not limited a health history, health screenings, and medical evaluation.

1. A health history shall be completed by the employee or by his/her physician which shall include the employee’s:
 - a. Past serious illnesses and injuries;
 - b. Current health problems;

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- c. Allergies; and
 - d. Record of immunizations.
2. The employee shall submit to health screenings which shall include his/her:
 - a. Height and weight;
 - b. Blood pressure;
 - c. Pulse and respiration rate;
 - d. Vision screening;
 - e. Hearing screening.
3. Health screening shall also include a Mantoux test for the presence of tuberculosis.
 - a. A newly employed member will be exempt from the Mantoux test if he/she presents satisfactory documentation of a test
 - (1) Administered in a New Jersey school district from which the member has transferred, or
 - (2) Administered in any place within the six months previous to the member's initial employment in this 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 medical inspector. If the school medical inspector does not receive the report within four weeks of the referral

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or is unwilling to accept the findings of the report, he/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 medical inspector.

- d. An employee who presents a physician's or nurse practitioner's documentation, acceptable to the school medical inspector, showing significant tuberculin reaction and a subsequent negative chest X-ray will be exempt from the Mantoux test.
4. A medical evaluation that shall be limited to those assessments or information necessary to determine the employee's physical and mental fitness to perform with reasonable accommodation in the position which the employee seeks or currently 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.
5. A teaching staff member may provide health status information, including medications, which may be of value to medical personnel in the event of an emergency requiring treatment. The staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

C. 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 medical inspector 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, as provided in B.5.above.

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D. Employees' Physical Examination and Medical Updates

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

E. Examination of Candidates for Employment

Candidates for employment will be required to undergo a physical examination to include a health history, health screening and medical evaluation.

This pre-employment physical examination shall not be used to determine a candidate's disabilities; and

This examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, American with Disabilities Act of 1990.

F. Controlled Dangerous Substance Testing

Candidates for teaching staff member positions, who have received a conditional offer of employment must complete testing, conducted at the Board's expense, for the usage of controlled dangerous substances as they are defined in N.J.S.A. 2C:35-2.

1. 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.
2. 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

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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.

3. A Medical Review Officer, who is a licensed physician 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.
4. 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.
5. 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:
 - a. It must be job-related and cannot be met with reasonable accommodation;
 - b. It must be consistent with the demonstrated necessity of conducting business;
and
 - c. It must be related to legitimate job criteria.
6. The school district shall refuse to hire an applicant based upon a test result that indicates the illegal use of drugs. This action shall be taken even if the applicant claims he/she recently stopped illegally using drugs.
7. 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

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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.

G. Candidates Records

1. 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:
 - a. Kept separate from a candidate's personnel file;
 - b. Kept in a locked cabinet in a central school district location; and
 - c. Accessible only to the Superintendent and/or designee.
2. The records of a candidate's physical examination will be submitted to the school medical inspector, who will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/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/her application and will be kept confidential in accordance with paragraph D.
 - a. If and when the candidate is employed by this district, the records will be kept in the person's medical file.
 - b. If the candidate is not employed by this district within one (1) year, the records will be destroyed.

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