

HEALTH EXAMINATIONS (Bloodborne Pathogens)

Prior to employment, all final candidates shall be required to submit to a physical examination as outlined in the administrative code for all newly employed staff.

Health examinations on an annual basis are required by law for all school employees. Scope of such examinations will be governed by the nature of the position held and applicable state laws and regulations.

Results of examination shall be held confidential by the superintendent and medical inspector, but may be shared with the principal and school nurses with the consent of the employee.

Any employee whose condition of physical or mental health is thought to be a possible danger to the health or welfare of pupils or other employees may be required by the board at any time, upon recommendation of the superintendent, to submit to physical or psychiatric examination.

When an employee is requested to submit to any examination other than the annual physical examination, he/she shall be provided with:

- A. A written statement of reasons for the request;
- B. An opportunity for a board hearing, if so requested (said hearing shall be in private and confidential unless the employee requests otherwise);
- C. Adequate prior notice of the date of the hearing;
- D. Copies of statements or affidavits relied on by the board prior to the hearing;
- E. An opportunity to be represented at the hearing by counsel or other persons of the employee's choice;
- F. An opportunity to present witnesses on his/her behalf.

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

All records and reports of such examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease, and if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery, before reinstatement will be allowed.

In order to protect the pupils and staff in the district schools, 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. Staff 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.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to use his/her own physician, with board approval, the employee shall bear the expense.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (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 OSHA bloodborne pathogens standard, thereby protecting 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;
 6. Recordkeeping.

Date: February 16, 1994

Legal References:

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| <u>N.J.S.A.</u> | 18A:16-2 | Physical examination; 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:66-39 | Disability retirement |
| <u>N.J.S.A.</u> | 16:4-1 | “Communicable disease” defined |
| <u>N.J.S.A.</u> | 16:4-6 | Prohibiting attendance of teachers or pupils |
| <u>N.J.S.A.</u> | 16:4-15 | Reporting of communicable diseases by physicians |
| <u>N.J.A.C.</u> | 6:29 | Health and safety physical education |
| <u>N.J.A.C.</u> | 6:29-2.3, -7.3, -7.4 | |
| <u>N.J.A.C.</u> | 8:57-1.14 | Reporting of acquired immunodeficiency syndrome and AIDS related complex |
| <u>N.J.A.C.</u> | 8:61-1.1 | Attendance at school by pupils or adults infected by human immunodeficiency virus (HIV) |

School Boards of Nassau County v. Arline, 107 S. Ct. 1123 (March 3, 1987) City of Elizabeth, PERC No. 84-75