

## Personnel 5130

### Staff Health

#### Medical Examinations

The District is interested in promoting the safety of employees during working hours and the general health of the staff.

Under the circumstances defined below, the Board may require medical examinations of its employees. Results of such medical examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only as permitted by law.

Subsequent to a conditional offer of employment and prior to a commencement of work, the District may require an applicant to have a medical examination, and to meet any other health requirements that may be imposed by the State. 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. If approved by personnel services, a thirty-(30)-day grace period beginning from the date of employment may be allowed for the employee to obtain the required medical examination.

#### Communicable Diseases

A communicable disease is defined at ARM 16.28.101(5) as "an illness due or suspected to be due to a specific infectious agent or its toxic products, which results from transmission of that agent or its products to a susceptible host, directly or indirectly." If an employee has a communicable disease, the staff person must notify the school nurse or other responsible person designated by the Board that he has a communicable disease which could be life threatening to an immune compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health, if the immune compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. The District reserves the right to require a statement from the employee's primary care provider prior to the employee's return to work.

#### Confidentiality

In all instances, District personnel shall respect the individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical

condition or history of any employee shall be collected and maintained on separate forms and in separate medical files and be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the staff person) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety

personnel may be informed, when appropriate, if the disability might require emergency treatment.

Legal Reference:

29 U.S.C. 794, Section 504 of the Rehabilitation Act

29 CFR, Section 1630.14(c)(1)(2)(3)

41 U.S.C. 12101, et seq. Americans with Disabilities Act

Title 49, Chapter 4, MCA Rights of the Handicapped

Title 49, Chapter 2, MCA Illegal Discrimination

§ 20-10-103(4), MCA

24.9.1401, et seq., ARM

16.28.1005, ARM

Policy History:

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