

All Personnel

AR 4112.4(a)

4212.4

HEALTH EXAMINATIONS

4312.4

New Employees

1. Physical Examination

As condition of employment, successful applicants shall be required to undergo a medical examination to determine if they are physically and mentally able to perform the duties and responsibilities of their positions and free of any condition or disease which may be detrimental to the health and/or safety of students or other employees. A medical certificate reporting the results of the examination shall be signed and submitted to the Board by a physician licensed under the Business and Professions Code. The cost of the examination shall be borne by the district.

2. Tuberculosis Tests

No applicant shall be initially employed in a classified or certificated position unless he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration within the past 60 days and, if that test was positive, has subsequently obtained an X-ray of the lungs. The applicant shall submit to the district a certificate signed by the examining licensed physician indicating that he/she is free of active tuberculosis. (Education Code 49406; 5 CCR 5503)

- a. The tuberculosis examination shall consist of either an approved intradermal tuberculin test or an x-ray of the lungs.
- b. After the examination, each employee shall place on file with the district a certificate from the examining physician showing that the employee is free from active tuberculosis. Persons who have not complied with provisions of this policy shall not be allowed to work in any school or department of the district.

The cost of the pre-employment tuberculosis examination shall be paid by the applicant.

An applicant who was previously employed in another California school district may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous school district employer verify that it has on file a certificate which contains that evidence. (Education Code 49406)

Regular Employee

1. Physical Examination

HEALTH EXAMINATIONS (continued)

Each employee must continue to be physically and mentally able to perform the duties and responsibilities of his/her position and be free of any condition or disease which may be detrimental to the health and/or safety of students or other employees, as determined by a licensed physician. Medical examinations to establish physical or mental fitness may be required of any employee as deemed necessary by the Superintendent or designee, but may not be required for arbitrary or capacious purposes, medical examination required by the district shall be at district expense. The employee and the district shall be entitled to all reports of such examinations. Any such reports shall be treated as confidential medical records.

2. Tuberculosis Examination

All employees of the district shall be required to undergo a chest x-ray or intradermal test once every four years. (Education Code 49406) These examinations shall be provided at district expense. The only exceptions are pregnant employees who may be exempt from x-ray and employees with religious convictions against tuberculosis examinations pursuant to Education Code 49406(g). Salary warrants shall not be cleared for payment unless valid tuberculosis examination report or exemption is on file with the district.

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the Board shall determine by resolution, after a hearing, that the health of students would not be jeopardized. (Education Code 49406)

The Superintendent or designee may exempt from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students. (Education Code 49406)

The Superintendent or designee may exempt a pregnant employee from the requirement that a positive tuberculin test be followed by an X-ray of the lungs, for a period not to exceed 60 days following termination of the pregnancy. (Education Code 49406)

HEALTH EXAMINATIONS (continued)

Medical Certification for Communicable Diseases for Certificated Employees

When a new employee in a position requiring certification has not previously been employed in such a position in California or a retirant has not previously been employed as a retirant, he/she shall have a medical certificate on file with the district stating that he/she is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate shall be completed by a licensed physician and returned to the district by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

The Board may require a certificated employee or retirant to undergo a periodic medical examination by a physician to determine that the employee is free from any communicable disease making him/her unfit to instruct or associate with children. This periodic medical examination shall be at district expense. (Education Code 44839, 44839.5)

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Board has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the district shall follow the process specified in Education Code 44942 and the district's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

Legal Reference: (see next page)

AR 4112.4(d)
4212.4
4312.4

HEALTH EXAMINATIONS (continued)

Legal Reference:

EDUCATION CODE

44839 *Medical certificate; periodic medical examination*

44839.5 *Requirements for employment of retirant*

44932 *Grounds for dismissal of permanent employee*

44942 *Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave*

45122 *Physical examinations*

49406 *Examination for tuberculosis*

CODE OF REGULATIONS, TITLE 5

5502 *Filing of notice of physical examination for employment of retired persons*

5503 *Physical examination for employment of retired persons*

5504 *Medical certification procedures*

COURT DECISIONS

Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347

Management Resources:

WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Public Health Institute: <http://www.phi.org>

U.S. Food and Drug Administration: <http://www.fda.gov>