

ALL PERSONNELHealth Examinations

Every employee shall present evidence of freedom from tuberculosis as required by state law.

Each certificated employee who has not previously held a position requiring certification qualifications shall submit a medical certificate affirming good health, in a form prescribed by the State Board of Education.

All employees upon initial employment shall present evidence of having submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, submitting to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment.

Prior to employment by the Office of Education, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis.

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis.

Thereafter, each employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment and an examination whenever risk factors are identified, at least once every four years or more often when required by the Superintendent upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment, but shall be referred to the county health officer within 30 days of the examination to determine the need for follow up care.

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination:

An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization, and that, in accordance with its creed, tenants, or principles,

depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Superintendent determines that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Superintendent is satisfied that he/she is not afflicted.

Examination of Certificated Employees

When a certificated position is filled with an applicant who has not previously been employed in a certified position in California, or with a retiree who has not been employed as a retiree, the Office of Education shall have on file a medical certification indicating that the applicant or retiree is free from any disabling disease, which would render him/her unfit to instruct or associate with children.

The certificate shall be completed and submitted directly to the Office of Education by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed.

The Superintendent reserves the right to require periodic medical examinations by a physician and/or surgeon licensed under the Business and Professions Code of all certificated employees in order to determine that each such employee is free from communicable diseases which render the employee unfit to instruct or associate with children. Examinations of this type shall be at the expense of the Office of Education.

The Superintendent may require an employee who shows evidence of any physical disorder which may be interfering with job performance to undergo examination by a licensed physician and/or surgeon selected by the Office of Education. The Office of Education shall pay all costs of such examination, and all parties shall receive all reports of such examination. The employee has the right, in such case, to have a similar examination by his/her own physician, at his/her own expense, who may also attend the employee during the office examination.

The Superintendent may require a medical examination, by a medical doctor selected by the Superintendent as a condition of employment, promotion, or continued employment. Cost of the examination shall be paid by the Office of Education.

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Superintendent 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 Superintendent shall follow the process specified in Education Code 44942.

(Reference Policies: 4032 - Reasonable Accommodation and 4118 - Suspension/Disciplinary Action)

Examinations for Transportation Employees

All drivers who will be transporting students shall complete the tuberculosis risk assessment, and if indicated, the examination for infectious tuberculosis within 60 days of initial hire.

Exemptions

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination:

An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization, and that, in accordance with its creed, tenants, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Superintendent determines that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is inflicted with infectious tuberculosis, he/she may be excluded from service until the Superintendent is satisfied that he/she is not infected.

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retiree

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

Personnel

SP 4112.4(d)

4212.4

4312.4

Doe v. Lincoln Unified School District, (2010) 188 Cal.App. 4th 758

Leonel v. American Airlines, Inc. (2005) 400F.3d 702

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

Policy

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Humboldt County Office of Education

Eureka, California