

# REGULATION

## RUMSON BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3160/page 1 of 6

Physical Examination

Feb 17

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### R 3160 PHYSICAL EXAMINATION

#### A. Definitions

1. “Employee” or “staff member” means the holder of any full-time or part-time position of employment.
2. “Health history” means the record of a person’s past health events obtained in writing, completed by the individual or their physician.
3. “Health screening” means the use of one or more diagnostic tools, to test a person for the presence or precursors of a particular disease.
4. “Physical examination” means the assessment of an individual’s health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.
5. “Physician assistant” means a health care professional licensed to practice medicine with physician supervision.

#### B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board’s requirements for the physical examination.



# REGULATION

## RUMSON BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3160/page 2 of 6  
Physical Examination

- a. A health history shall include, but is not limited to, the candidate's:
  - (1) Past serious illnesses and injuries;
  - (2) Current health problems;
  - (3) Allergies; and
  - (4) A record of immunizations.
  
- b. A health screenings shall include, but is not limited to:
  - (1) Height;
  - (2) Weight;
  - (3) Pulse and respiratory rate;
  - (4) Hearing screening;
  - (5) Blood pressure;
  - (6) Vision screening;

### C. Medical Requirements Upon Employment

- 1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the district, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.
  - a. Tuberculosis testing is not required:
    - (1) For new staff members, student teachers, and contractors of the school district with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or





# REGULATION

## RUMSON BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3160/page 4 of 6  
Physical Examination

- F. Comprehensive Fitness for Duty Examination of Candidates for Employment Who Have Received a Conditional Offer of Employment
1. Candidates for employment who have received a conditional offer of employment will also be required to undergo a comprehensive fitness for duty physical examination by a school district approved physician or institution at the Board's expense.
    - a. This pre-employment physical examination shall not be used to determine a candidate's disabilities; and
    - b. This examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to ADA
  2. The physician or institution completing the examination will be provided the fitness requirements for each position.
  3. Comprehensive fitness for duty examinations will be required for all candidates for employment who receive a conditional offer of employment.
- G. Testing for Usage of Controlled or Dangerous Substances for Candidates Who Have Received a Conditional Offer of Employment
1. Candidates for employment who have received a conditional offer of employment will be required to 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.
    - a. 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. A laboratory approved by the New Jersey Department of Health will be selected by the Board for such testing.



# REGULATION

## RUMSON BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3160/page 5 of 6  
Physical Examination

- b. The laboratory will conduct the test in accordance with industry standard practices for testing for controlled dangerous substances.
  - c. A Medical Review Officer, who is a licensed physician will review the final results of all positive tests to determine if there is a medical explanation for the results. The Medical Review Officer will review the candidate's medical history and may conduct a medical interview with the candidate to determine any relevant factors contributing to the results of the test. The Medical Review Officer will communicate the results of an investigation regarding positive drug tests to the candidate and to the Superintendent.
  - d. The 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.
  - e. After a conditional offer of employment, the school district administration and/or the Medical Review Officer may ask the candidate 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:
    - (1) It must be job-related and cannot be met with reasonable accommodation;
    - (2) It must be consistent with the demonstrated necessity of conducting business; and
    - (3) It must be related to legitimate job criteria.
  - f. The school district shall refuse to hire a candidate based upon a test result that indicates the illegal use of drugs as confirmed by the Medical Review Officer. This action shall be taken even if the candidate claims he/she recently stopped illegally using drugs.
2. The Superintendent will confer with the Medical Review Officer regarding all positive tests to prevent any ADA violation.
  3. Testing for controlled or dangerous substances will be required for all candidates for employment who receive a conditional offer of employment.



# REGULATION

## RUMSON BOROUGH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3160/page 6 of 6  
Physical Examination

- H. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment
1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:
    - a. An offer of employment by the Superintendent of Schools or designee is conditional upon completion of the Board’s required physical examinations and assessments;
    - b. The required examinations and assessments will be used to determine the candidate’s ability to perform with reasonable accommodations job-related functions pursuant to ADA; and
  - b. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.
- I. Comprehensive Fitness for Duty Examination of Employees Returning from FMLA leave. The Board will, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member’s serious health condition until the staff member submits a fitness-for-duty examination from the school district’s approved physician or institution at the board’s expense indicating that the staff member is able to resume work. The Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

Adopted: 24 May 2017

Revised: 26 October 2017

