

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB
(LOCAL)

EXAMINATIONS
DURING
EMPLOYMENT

The District President or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The College District may designate the physician to perform the examination. If the College District designates the physician, the College District shall pay the cost of the examination. The College District shall place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

The physician shall provide information that states whether the employee can perform the essential functions of the position with or without accommodations. The employee shall be returned to his or her job position if it is determined that he/she is able to perform the essential functions of the job with or without reasonable accommodations and if he/she poses no direct workplace threat.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the Associate Vice President of Human Resources and Organizational Development shall review the employee's information and submit a recommendation to the District President or designee regarding whether the employee has a disability and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the Associate Vice President of Human Resources and Organizational Development or designee shall evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

EXCLUSION FROM
WORK

An employee may be excluded from work if the District President or designee, in accordance with this policy, determines that the employee poses a direct threat to health or safety within the College District or to his or her own health by remaining on the job or the employee's physical or mental condition interferes with the performance of job-related functions without posing a direct threat to self or others.

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	<p>The employee may provide evidence to the Human Resources Office regarding any information relevant to the employee's fitness to continue the performance of regular duties.</p>
LEAVE OF ABSENCE	<p>Employees who are excluded from work may use any accrued paid leave to which they are entitled or may request temporary disability leave, as appropriate. [See DEC]</p>
TERMINATION OF EMPLOYMENT	<p>In accordance with appropriate policies and guidelines, employees who are excluded from the workplace in accordance with this policy may have their employment terminated when all earned but unused leave to which they are entitled has been exhausted.</p>
COMMUNICABLE DISEASES	<p>Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection) and AIDS, leprosy, and tuberculosis. Employees with communicable diseases, whether acute or chronic, shall be subject to the following provisions.</p>
CONFIRMATION	<p>The information that an employee has a communicable disease shall be confirmed by one of the following methods:</p> <ol style="list-style-type: none">1. The employee brings the information to the College District's attention.2. The employee confirms the information when asked.3. The employee may be asked to submit to a medical examination to determine whether his or her physical condition interferes with the performance of job-related functions or poses a direct threat to the health or safety of the employee or others, if the District President or designee has reason to believe that the employee has a communicable disease and is unable to perform the job or poses a threat to self or others.4. The results of such an examination shall be kept confidential except that the District President or designee shall be informed of restrictions in duties and necessary accommodations. First aid and safety personnel may also be informed, to the extent appropriate.
MEDICAL FACTORS	<p>The District President or designee shall obtain medical advice from local health authorities or private physicians on:</p> <ol style="list-style-type: none">1. The nature of the risk, i.e., how the disease is transmitted;2. The duration of the risk, i.e., how long the employee will be infectious;

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3. The severity of the risk, i.e., what is the potential harm to third parties;
4. The probabilities that the disease will be transmitted and will cause varying degrees of harm; and
5. Whether the employee's condition interferes with the performance of regular duties. This determination shall be made by a physician who has performed a medical examination of the employee.