DATE: November 17, 2009
TO: BOARD OF EDUCATION
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: REPORT ON THE PROPOSED NEW POLICY 4011 – PERSONNEL: MEDICAL EXAMINATION

ORIGINATOR: J. Robert Haines, Deputy Superintendent

RESOURCE PERSON(S): Donald Peccia, Assistant Superintendent, Human Resources
Fran Allen, Manager, Personnel Services

RECOMMENDATION

That the Board of Education reviews the proposed new Policy 4011. This is the first reading of this policy.

Attachment I – Policy Analysis
Attachment II – Proposed Policy 4011
Policy Analysis for
(New) Board of Education Policy 4011
Medical Evaluations

Statement of Issues or Questions Addressed
Board of Education Policy 4011 is a new policy that addresses compliance with applicable laws and regulations consistent with current practice.

Cost Analysis and Fiscal Impact on School System
No fiscal impact is anticipated by the addition of this policy.

Relationship to Other Board of Education Policies
Board of Education Policy 4153, Short-Term Leaves
Board of Education Policy 4270, Absences

Legal Requirements
American with Disabilities Act, as amended
Title VII Civil Rights Act Of 1964, Amended
Family and Medical Leave Act Of 1993
U.S. Department of Transportation, 49 Code of Federal Regulations, §391.41
Baltimore County Code §5-1-203
Annotated Code of Maryland, Labor and Employment Article, §§9-101-9-1201
COMAR, 11.19.05.01

Similar Policies Adopted by Other Local School Systems
Montgomery County Public Schools
    Regulation GDA-RA, Physical Examinations for Positions Requiring Commercial Driver’s License
    Regulation GDA-RB, Medical Examinations

Draft of Proposed Policy
Attached

Other Alternatives Considered by Staff
None

Timeline for Adoption
First reading – November 17, 2009
Public comment – December 1, 2009
Third reading/vote – January 12, 2010
PERSONNEL: GENERAL

MEDICAL EVALUATIONS

I. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) RECOGNIZES THAT JOB-RELATED MEDICAL EVALUATIONS OF EMPLOYEES ARE CONSISTENT WITH BUSINESS NECESSITY. ALL EVALUATIONS WILL BE CONDUCTED IN ACCORDANCE WITH ALL BOARD POLICIES, SUPERINTENDENT’S RULES, AND APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.

II. THE BOARD DIRECTS THE SUPERINTENDENT TO ESTABLISH NECESSARY RULES AND PROCEDURES TO IMPLEMENT THIS POLICY.

LEGAL REFERENCES:
AMERICANS WITH DISABILITIES ACT, 29 U.S.C. §12101, ET SEQ.
FAMILY AND MEDICAL LEAVE ACT, 29 U.S.C.A. §§ 2611-19
ANNOTATED CODE OF MARYLAND, LABOR AND EMPLOYMENT ARTICLE, §§9-101-9-1201

RELATED POLICIES: BOARD OF EDUCATION POLICY 4153, SHORT-TERM LEAVES
BOARD OF EDUCATION POLICY 4270, ABSENCES

POLICY ADOPTED: __________ BOARD OF EDUCATION OF BALTIMORE COUNTY