

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**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.*  
 TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S. C. §2000E  
 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