

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 9, 2010

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF 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 approves the proposed new Policy 4011. This is the third 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 – February 9, 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