

PERSONNEL: GENERAL MEDICAL EVALUATIONS

I. TYPES OF EVALUATIONS

- A. UNITED STATES DEPARTMENT OF TRANSPORTATION (DOT) MEDICAL EXAMINATIONS FOR COMMERCIAL DRIVER'S LICENSE (CDL) CERTIFICATION: A MEDICAL EXAMINATION CONDUCTED BY A BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) APPROVED PHYSICIAN TO DETERMINE IF A DRIVER OR DRIVER APPLICANT IS PHYSICALLY QUALIFIED TO DRIVE A COMMERCIAL MOTOR VEHICLE (CMV) AND HOLD A CDL.
- B. RETIREMENT PHYSICALS FOR EMPLOYEES ELIGIBLE FOR MEMBERSHIP IN THE EMPLOYEE RETIREMENT SYSTEM (ERS) OF BALTIMORE COUNTY: A MEDICAL EXAMINATION REQUIRED BY THE BALTIMORE COUNTY RETIREMENT SYSTEM AND CONDUCTED BY A COUNTY APPROVED PHYSICIAN.
- C. FITNESS FOR DUTY EVALUATIONS: A MEDICAL OR PSYCHOLOGICAL EVALUATION CONDUCTED BY A BOARD-APPROVED PHYSICIAN OR FORENSIC PSYCHOLOGIST TO ASSESS WHETHER AN EMPLOYEE'S CONDUCT, BEHAVIOR, OR OTHER FACTORS INDICATE THAT HIS/HER CONTINUED PRESENCE ON THE JOB MAY POSE A THREAT TO SELF, OTHERS, OR THE PUBLIC; INTERFERE WITH THE BOARD'S ABILITY TO EFFECTIVELY PROVIDE SERVICES; OR INTERFERE WITH THE EMPLOYEE'S ABILITY TO PERFORM ESSENTIAL JOB FUNCTIONS SAFELY AND EFFECTIVELY.
- D. INDEPENDENT MEDICAL EVALUATIONS (IME): A MEDICAL EVALUATION CONDUCTED BY A BOARD-APPROVED PHYSICIAN. THE EVALUATION MAY BE REQUIRED FOR APPROVAL OF PERSONAL ILLNESS BENEFITS; DETERMINATION OF THE EMPLOYEE'S ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF THE POSITION WITH OR WITHOUT REASONABLE ACCOMMODATIONS; DETERMINATION OF RETURN TO WORK STATUS; MEDICAL CERTIFICATION OF A SERIOUS HEALTH CONDITION UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA); AND APPROVAL OF WORKERS' COMPENSATION BENEFITS.

II. PROCEDURES

A. COMMERCIAL DRIVER'S LICENSE (CDL) PHYSICALS

1. THE DEPARTMENT OF HUMAN RESOURCES IS RESPONSIBLE FOR ENSURING THAT APPLICANTS FOR POSITIONS THAT REQUIRE A CDL, OTHER THAN SCHOOL BUS DRIVERS, COMPLETE THE REQUIRED DOT PHYSICAL EXAMINATION AFTER A CONDITIONAL OFFER OF EMPLOYMENT HAS BEEN MADE. THE OFFICE OF RISK MANAGEMENT IS RESPONSIBLE FOR ENSURING THAT RE-CERTIFICATION PHYSICALS FOR NON-SCHOOL BUS DRIVERS ARE COMPLETED AS REQUIRED.
2. THE OFFICE OF TRANSPORTATION IS RESPONSIBLE FOR ENSURING THAT APPLICANTS FOR SCHOOL BUS DRIVER POSITIONS COMPLETE THE REQUIRED DOT PHYSICAL EXAMINATION AFTER A CONDITIONAL OFFER OF EMPLOYMENT HAS BEEN MADE AND FOR ENSURING THAT RE-CERTIFICATION PHYSICALS FOR SCHOOL BUS DRIVERS ARE COMPLETED AS REQUIRED.
3. THE DEPARTMENT OF HUMAN RESOURCES, OFFICE OF RISK MANAGEMENT AND THE OFFICE OF TRANSPORTATION ARE RESPONSIBLE FOR MAINTAINING THE APPROPRIATE RECORDS IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS.
4. A FINAL OFFER OF EMPLOYMENT MAY NOT BE MADE UNTIL SUCH TIME THAT THE REQUIRED MEDICAL CERTIFICATION HAS BEEN RECEIVED.
5. DEPARTMENT AND OFFICE HEADS SUPERVISING POSITIONS THAT REQUIRE A CDL ARE RESPONSIBLE FOR NOTIFYING THE DEPARTMENT OF HUMAN RESOURCES WHEN AN EMPLOYEE DOES NOT MEET RE-CERTIFICATION REQUIREMENTS.

B. ERS PHYSICALS

1. IN ORDER TO BE ELIGIBLE FOR MEMBERSHIP IN THE ERS AN EMPLOYEE MUST SATISFACTORILY PASS THE ERS

PHYSICAL EXAMINATION WITHIN THE FIRST TWO YEARS OF EMPLOYMENT.

2. THE DEPARTMENT OF HUMAN RESOURCES IS RESPONSIBLE FOR ASCERTAINING AN EMPLOYEE'S ELIGIBILITY FOR ERS AND FOR NOTIFYING ELIGIBLE EMPLOYEES REGARDING THE PROCESS TO COMPLY WITH THE PHYSICAL EXAMINATION REQUIREMENT.

C. FITNESS FOR DUTY EVALUATIONS

1. THE OFFICE OF RISK MANAGEMENT IS RESPONSIBLE FOR DETERMINING WHEN AN EMPLOYEE NEEDS TO BE SENT FOR A FITNESS FOR DUTY EVALUATION. EMPLOYEES REQUIRED TO COMPLETE THE FITNESS FOR DUTY EVALUATION WILL BE PLACED ON ADMINISTRATIVE LEAVE WITH PAY.
2. THE OFFICE OF RISK MANAGEMENT IS RESPONSIBLE FOR REVIEWING THE RESULTS OF THE FITNESS FOR DUTY EVALUATION AND NOTIFYING THE MANAGER OF STAFF RELATIONS OF THE RESULTS.
3. THE MANAGER OF STAFF RELATIONS IS RESPONSIBLE FOR MEETING WITH THE EMPLOYEE TO NOTIFY HIM/HER OF THE RESULTS.
 - a. IF THE EMPLOYEE IS DETERMINED NOT FIT FOR DUTY AND UNABLE TO PERFORM THE ESSENTIAL FUNCTIONS OF HIS/HER POSITION, THE MANAGER OF STAFF RELATIONS SHALL INFORM THE EMPLOYEE OF THE BOARD-APPROVED PHYSICIAN'S RECOMMENDATIONS AND REQUIREMENTS FOR RETURN TO WORK. THE MANAGER OF STAFF RELATIONS WILL INFORM THE EMPLOYEE THAT HE/SHE WILL BE PLACED ON PERSONAL ILLNESS LEAVE AND REFERRED TO THE INTEGRATED DISABILITY MANAGEMENT PROGRAM (IDM). FAILURE TO COMPLY WITH THE RETURN TO WORK PLAN MAY RESULT IN DISCIPLINE UP TO AND INCLUDING TERMINATION.

- b. THE OFFICE OF RISK MANAGEMENT IS RESPONSIBLE FOR MONITORING THE EMPLOYEE'S COMPLIANCE WITH THE IDM PROGRAM. UPON THE EMPLOYEE'S RELEASE FROM THE IDM PROGRAM, THE OFFICE OF RISK MANAGEMENT WILL COORDINATE A FOLLOW-UP FITNESS FOR DUTY EVALUATION IF REQUIRED. THE OFFICE OF RISK MANAGEMENT SHALL NOTIFY THE DEPARTMENT OF HUMAN RESOURCES TO PLACE EMPLOYEE ON PAID ADMINISTRATIVE LEAVE UNTIL A RETURN TO WORK CONFERENCE HAS BEEN HELD WITH THE EMPLOYEE.

- c. IF THE EMPLOYEE IS DETERMINED FIT FOR DUTY, THE MANAGER OF STAFF RELATIONS PROVIDES WRITTEN NOTICE OF ALL REQUIREMENTS OF THE RETURN TO WORK PLAN TO THE EMPLOYEE. THE MANAGER OF STAFF RELATIONS IS RESPONSIBLE FOR THE MONITORING OF COMPLIANCE WITH THE PLAN. FAILURE TO COMPLY WITH THE RETURN TO WORK PLAN MAY RESULT IN DISCIPLINE UP TO AND INCLUDING TERMINATION.

D. INDEPENDENT MEDICAL EVALUATIONS (IME)

- 1. AN EMPLOYEE MAY BE SENT FOR AN IME UPON THE RECOMMENDATION OF THE OFFICE OF RISK MANAGEMENT, OR THE EQUAL EMPLOYMENT OPPORTUNITY OFFICE (EEO), OR THE OFFICE OF EMPLOYEE BENEFITS.

- 2. IN COMPLIANCE WITH THE WORKERS' COMPENSATION LAWS OF THE STATE OF MARYLAND, AN IME MAY BE REQUIRED BY THE EMPLOYER, CLAIMS ADMINISTRATOR, OR INSURER TO CERTIFY CAUSALITY OR EXTENT OF INJURY. ANY EMPLOYEE REQUIRED TO HAVE AN IME BY A BOARD-APPROVED PROVIDER WILL BE NOTIFIED IN WRITING BY THE CLAIMS UNIT/INSURER.

III. CONFIDENTIALITY OF MEDICAL INFORMATION

- A. RECORDS RELATED TO THE MEDICAL EVALUATIONS COVERED UNDER THIS RULE WILL BE MAINTAINED IN A CONFIDENTIAL FILE SEPARATE FROM THE PERSONNEL FILE AND PLACED IN A SECURED LOCATION ACCESSIBLE ONLY TO APPROPRIATE STAFF CONSISTENT WITH ALL APPLICABLE LAWS AND REGULATIONS. WHEN NECESSARY, THESE RECORDS WILL BE DESTROYED CONSISTENT WITH ALL APPLICABLE LAWS AND REGULATIONS.

- B. MEDICAL INFORMATION MAY BE RELEASED AS FOLLOWS:
 - 1. SUPERVISORS AND MANAGERS MAY BE INFORMED ABOUT AN EMPLOYEE'S NECESSARY RESTRICTIONS AND/OR ACCOMMODATIONS.

 - 2. EMERGENCY PERSONNEL MAY BE INFORMED IF THE EMPLOYEE'S DISABILITY REQUIRES EMERGENCY TREATMENT OR SPECIFIC PROCEDURES ARE NEEDED IN CASE OF EVACUATIONS OR EMERGENCIES.

 - 3. GOVERNMENT OFFICIALS INVESTIGATING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AND OTHER FEDERAL OR STATE LAWS WILL BE PROVIDED WITH ALL RECORDS UPON REQUEST OR WHEN INVESTIGATING CHARGES AND COMPLAINTS.

 - 4. RELEVANT INFORMATION MAY BE PROVIDED TO WORKERS' COMPENSATION ADMINISTRATORS IN ACCORDANCE WITH STATE LAWS AND COUNTY GUIDELINES.

 - 5. INFORMATION WILL NOT BE SHARED WITH PERSONS OR ENTITIES OUTSIDE OF BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) OTHER THAN THOSE NOTED ABOVE AND IN THE SPECIFIED SITUATIONS LISTED WITHOUT THE WRITTEN PERMISSION OF THE EMPLOYEE, A COURT ORDER, OR ORDER FROM AN AGENCY WITH THE AUTHORITY TO COMPEL COMPLIANCE. THESE PROCEDURES ARE SUBJECT TO ALTERATION OR AMENDMENT AT ANY TIME AND WITHOUT NOTICE.

LEGAL REFERENCES: 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

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

RULE
ADOPTED:

_____ SUPERINTENDENT OF SCHOOLS