

HEALTH EXAMINATIONS

New Employees

The Assistant Superintendent of Human Resources or designee shall ensure that new Monterey County Office of Education (MCOE) employees comply with all the health examination requirements of California law.

Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law, and submit proof of freedom from tuberculosis to the Human Resources office. [Education Code (EC) 49406]

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of MCOE students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. [EC 44839, 45122]

(cf: 4119.41, 4219.41, 4319.41 – Employees with Infectious Diseases)

Tuberculosis Tests

No applicant shall be initially employed in a certificated position unless he/she has submitted to an intradermal or other tuberculin test licensed by the Food and Drug Administration within the past 60 days and, if that test was positive, has subsequently obtained an X-ray of the lungs. The applicant shall submit to the MCOE Human Resources office a certificate signed by the examining licensed physician indicating that he/she is free of active tuberculosis. [EC 49406; 5 CCR 5503]

The cost of the pre-employment tuberculosis examination shall be paid by the applicant. An applicant who was previously employed in another California school or County Office may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having his/her previous school or County Office employer verify that it has on file a certificate which contains that evidence. [EC 49406]

Once hired by MCOE, employees who test negative on the initial intradermal or other tuberculin test shall undergo a tuberculosis examination at least once every four years, or more often if so directed by the Assistant Superintendent of Human Resources upon recommendation of the county health officer, for as long as the employee's test remains

negative. An employee with a documented positive test for tuberculosis infection shall no longer be required to submit to the examination and shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. The employee will not return to work until clearance has been received from the county health officer. [EC 49406]

Tuberculosis tests for employees shall be provided by MCOE or at MCOE expense. [EC 44839(b), 45122, 49406]

If an employee's religious beliefs prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the Assistant Superintendent of Human Resources shall determine by resolution, after a hearing, that the health of students would not be jeopardized. [EC 49406]

Medical Certification for Communicable Diseases for Certificated Employees

The Assistant Superintendent of Human Resources shall not authorize the filling of a position requiring medical certification with an applicant who has not previously been employed in a certificated position in California or a retirant who has not been employed as a retirant, unless MCOE has on file a medical certification completed and submitted directly to MCOE by an authorized health care provider. [EC 44839, 44839.5]

The medical certification shall certify that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. The medical examination referred to in the certificate must have been conducted within six months of the date the certificate is filed. [EC 44839, 44839.5; 5 CCR 5503]

Applicants and retirees shall pay for the cost of obtaining the medical certification. [EC 44839.5]

MCOE may require a certificated employee or retiree to undergo a periodic medical examination by a physician to determine that the employee is free from any communicable disease making him/her unfit to instruct or associate with children. This periodic medical examination shall be at MCOE expense. [EC 44839(b), 44839.5]

Mental Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if the Assistant Superintendent of Human Resources has reasonable cause to believe that the employee

is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties. In such a case, the Assistant Superintendent of Human Resources shall follow the process specified in Education Code 44942 and the MCOE's collective bargaining agreement, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

(cf. 4118 - Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

- 44839 *Medical certificate; periodic medical examination*
- 44839.5 *Requirements for employment of retiree*
- 44932 *Grounds for dismissal of permanent employee*
- 44942 *Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave*
- 45122 *Physical examinations*
- 49406 *Examination for tuberculosis*

CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired persons*
- 5503 *Physical examination for employment of retired persons*
- 5504 *Medical certification procedures*

COURT DECISIONS

Raven v. Oakland Unified School District (1989) 213 Cal.App.3d 1347