

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB

SCHOOL BUS DRIVERS The School shall not permit an employee to operate a school bus, school activity bus, or multi- function school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. (See DBA, DHE)

49 CFR 391. (41) (43); *Tex. Transportation Code 521.022*;
37 Tex. Administrative Code 14.12

At the discretion of the Superintendent, the School, by appropriate regulation, may require bus drivers to complete Department of Transportation required examinations through a certified physician selected and paid for by the School.

A person disqualified on the basis of the medical examination may request special consideration.

37 Tex. Administrative Code 14.13.

DEFINITIONS

The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.

'SHARPS'

"Sharps" means an object used or encountered in a health care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

'BLOOD-BORNE'

"Blood-borne" means carried or transmitted by the blood; typically of a disease or pathogen carried by the blood.

CONFIDENTIALITY

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

29 U.S.C. 794; 34 CFR 104.14(d); 29 CFR 1630.14(b), (c)

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BLOODBORNE
PATHOGEN CONTROL

The School shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS) to include the Blood borne Pathogens Exposure Control Plan.

Tex. Health and Safety Code 81.301–.307; 25 Tex. Administrative Code 96

EXPOSURE
CONTROL PLAN

At a minimum, the School's Blood-borne Pathogens Exposure Control Plan, the School shall:

1. Be reviewed annually, updated as necessary, and document the School's actions regarding the plan and its appropriateness to the School;
2. Document how the School, at its own expense, shall provide personal protective equipment and Hepatitis B vaccinations to affected employees, and, if an employee declines to be vaccinated, that the School shall maintain a record of the employee's written refusal;
3. Outline how the School shall provide pre-service and annual refresher training to affected employees as described in the TDSHS Exposure Control Plan;
4. Outline how the School shall record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and
5. Outline how the School shall provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301–.307; 25 TAC Ch. 96

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COST OF TESTING

The School, as the employer or the entity for which the individual volunteers, shall pay the costs of associated tests when a certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient. The hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease.

Health and Safety Code 81.095(b)

GENETIC
INFORMATION

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if the School uses language such as that at 29 CFR 1635.8(b)(1)(i)(B). 29 CFR 1635.8(b)(1)(i)(A) [See DAB]

PRE-EMPLOYMENT
INQUIRIES AND EM-
PLOYMENT EN-
TRANCE EXAMINA-
TIONS

The School shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below.

42 U.S.C. 12112(d)(2); 29 CFR 1630.14(a)

The School may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior to the beginning of employment duties and may condition the offer on the results of the exam or inquiry, provided all entering employees in the same job category are subjected to such a similar examination or inquiry regardless of disability.

The results of such an examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3); 29 CFR 1630.14(b)

EXAMINATION DURING
EMPLOYMENT

The School may require a medical examination of an employee that is job-related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions if information received from the employee, the employee's supervisor or other source indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or

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2. Poses a direct threat to the health or safety of the employee or others. A communicable or other infectious disease may constitute a direct threat.

The School may designate the physician who performs the examination. If the School designates the physician, the School shall pay the cost of examination. Results of an employee's medical examination shall be used only to determine the applicant's ability to perform job-related functions. The employee reserves the right to present information relevant to their fitness and ability to continue the performance of essential duties.

42 U.S.C. 12112(d)(3)–(4); 29 CFR 1630.14(c);

Tex. Education Code 21.409(c)

PLACEMENT ON
TEMPORARY
DISABILITY

The results of an employee's medical examination shall be used only to determine the employee's ability to perform job-related functions.

42 U.S.C. 12112(d)(3)–(4); 29 CFR 1630.14(c); Education Code 21.409(c)

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