

## Policy 4161 EXAMINATION FOR CAUSE

The Board of Education may, in accordance with law, require the psychiatric or physical examination of any support staff member who shows evidence of deviation from normal physical or mental health.

The Superintendent shall recommend to the Board the examination of any employee whose physical or mental condition so departs from normal health as to adversely affect the performance of the employee's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the employee submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute these reasons, provided any such hearing is requested in writing within five days of the receipt of the notice.

A support staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he or she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense. Alternatively, the employee may elect to submit to an appropriate examination conducted by a physician or institution of the employee's own choosing and at the employee's expense, provided that the physician or institution so chosen is approved by the Board and is authorized and directed by the employee to report the results of the examination to the Board.

If the results of the examination show mental abnormality or communicable disease, the support staff member shall be placed on sick leave and compensated in accordance with his or her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a nontenured support staff member or a period of two years in the case of a tenured support staff member.

An employee who is ill or infected with a communicable disease that may be transmitted through food is prohibited from working in the food handling areas of this district. Any employee who is suspected of having such a disease and any employee who claims recovery from such a disease shall be required to submit to physical examination to determine his or her fitness for employment in the food handling area.

A support staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of tenure charges to the Commissioner of Education.

42 U.S.C.A. 12101  
N.J.S.A. 18A:6-10; 18A:16-2 et seq.;  
18A:30-1 et seq.  
N.J.A.C. 6:29-7.4(f)  
N.J.A.C. 8:57-1.16

Adopted: 11 June 1997