

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

DBB  
(LOCAL)

**Examinations During  
Employment**

The District President or designee may require an employee to undergo a medical examination if information received from the employee, the employee's supervisor, or other sources indicates the employee has a physical or mental impairment that:

1. Interferes with the employee's ability to perform essential job functions; or
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 College District may designate the physician to perform the examination. If the College District designates the physician, the College District will pay the cost of the examination. The College District may place the employee on paid administrative leave while awaiting results of the examination and evaluating the results.

The physician will provide information that states whether the employee can perform the essential functions of the position with or without accommodations. The employee will be returned to his or her job position if it is determined that the employee is able to perform the essential functions of the job, with or without reasonable accommodations, and if the employee poses no direct threat to the workplace.

If the impairment does interfere with the employee's ability to perform essential job functions or poses a direct threat, the chief human resources officer will review the employee's information and submit a recommendation to the District President or designee regarding whether the employee has a disability, and, if so, whether the disability requires reasonable accommodation, including the use of available leave. The granting of additional unpaid leave may be a reasonable accommodation in some circumstances. If the employee does not have a disability, the chief human resources officer or designee will evaluate the employee's eligibility for leave. [See DEC(LOCAL)]

[See DAA for information on disabilities and reasonable accommodation]

**Exclusion from  
Work**

An employee may be excluded from work if the District President or designee, in accordance with this policy, determines that the employee poses a direct threat to health or safety within the College District or to his or her own health by remaining on the job, or the employee's physical or mental condition interferes with the performance of job-related functions without posing a direct threat to self or others.

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	<p>The employee may present evidence to the human resources of- fice regarding any information relevant to the employee's fitness to continue the performance of regular duties.</p>
Leave of Absence	<p>Employees who are excluded from work may use any accrued paid leave to which they are entitled or may request temporary disability leave, as appropriate. [See DEC]</p>
Termination of Employment	<p>In accordance with appropriate policies and guidelines, employees who are excluded from the workplace in accordance with this pol- icy may have their employment terminated when all earned but un- used leave to which they are entitled has been exhausted.</p>
<b>Communicable Diseases</b>	<p>Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection) and AIDS, leprosy, and tuberculosis. Employees with communica- ble diseases, whether acute or chronic, will be subject to the fol- lowing provisions.</p>
Confirmation	<p>The information that an employee has a communicable disease will be confirmed by one of the following methods:</p> <ol style="list-style-type: none"><li>1. The employee brings the information to the College District's attention.</li><li>2. The employee confirms the information when asked.</li></ol> <p>The employee may be asked to submit to a medical examina- tion to determine whether his or her physical condition inter- feres with the performance of job-related functions or poses a direct threat to the health or safety of the employee or others if the District President or designee has reason to believe that the employee has a communicable disease and is unable to perform the job or poses a threat to self or others.</p> <p>The results of such an examination will be kept confidential except that the District President or designee will be informed of restrictions in duties and necessary accommodations. First aid and safety personnel may also be informed to the extent appropriate.</p>
<b>Medical Factors</b>	<p>The District President or designee will obtain medical advice from local health authorities or private physicians on:</p> <ol style="list-style-type: none"><li>1. The nature of the risk, i.e., how the disease is transmitted;</li><li>2. The duration of the risk, i.e., how long the employee will be in- fectious;</li></ol>

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3. The severity of the risk, i.e., what is the potential harm to third parties;
4. The probabilities that the disease will be transmitted and will cause varying degrees of harm; and
5. Whether the employee's condition interferes with the performance of regular duties. This determination will be made by a physician who has performed a medical examination of the employee.

**Medical and  
Psychological  
Examination of a  
Peace Officer,  
Telecommunicator,  
or School Marshal**

The District President or designee of the College District police department will develop regulations, in accordance with law, addressing the fitness-for-duty examination of a peace officer, telecommunicator, or school marshal who is licensed, or a person for whom the College District police department seeks a license, under Occupations Code Chapter 1701. The regulations must address:

1. The criteria for requiring an examination;
2. The provision of notice to the license holder or applicant that includes the reasons for the examination;
3. The examination procedures;
4. The determination of the license holder's or applicant's duty status during and following the examination;
5. Appeals of the application or interpretation of the regulations; and
6. The submission of a report to the Texas Commission on Law Enforcement (TCOLE):
  - a. If the license holder or applicant refuses to submit to the examination; or
  - b. Absent the successful completion of a treatment program, if the license holder or applicant fails the examination.