



PERSONNEL: General

Medical Evaluations

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 4006 by informing employees and applicants with a contingent offer of employment of circumstances under which medical evaluations may be required/directed and establishing guidelines and responsibilities for such medical examinations.

II. Definitions

- A. *Office of Transportation (OOT) Physical Examination* – A medical examination performed in accordance with the federal motor carrier safety regulations to determine whether a person is physically qualified to drive a commercial motor vehicle and hold a commercial driver’s license (CDL).
- B. *Employees’ Retirement System of Baltimore County (ERS)* – A pension plan administered by Baltimore County government and that provides retirement, disability retirement and death benefits for its members.
- C. *Fitness for Duty Evaluation (FFDE)* – A psychiatric or psychological evaluation conducted by a Board-approved psychiatrist or forensic psychologist to determine whether an employee may have a medical condition that will pose a direct threat or impair his/her ability to perform essential job functions safely or effectively.
- D. *Independent Medical Evaluation (IME)* – A medical evaluation conducted by a Board-approved physician that may be required for authorizing personal illness benefits; determining an employee’s ability to perform the essential functions of the position with or without reasonable accommodations; determining return-to-work status; certifying a serious health condition under the Family Medical Leave Act (FMLA); or approving workers’ compensation benefits.
- E. *Medical Examination* – A procedure or test that seeks information about an individual’s physical or mental impairment or health.
- F. *Non-certificated Position* – For the purpose of this rule, positions represented by the American Federation of State, County, and Municipal Employees

(AFSCME), Education Support Professionals of Baltimore County (ESPBC) or Baltimore County Public Schools' Organization of Professional Employees (BCPSOPE) bargaining units and all non-unit, non-certificated professional employees.

- G. *Options Conference* – A meeting conducted by the Department of Human Resources to discuss return-to-work options when an employee has been medically determined unable to effectively and safely perform the essential functions of his/her position, with or without accommodations.
- H. *Regular Position* – A full- or part-time job position funded by an approved budget with a full-time equivalency (FTE).
- I. *Substitute* – An at-will employee in a non-FTE assignment who assumes the duties and responsibilities of an employee in a regular position due to a vacancy or absence.

### III. Pre-Employment Physicals

Baltimore County Public Schools (BCPS) requires a pre-employment physical for all regular and substitute non-certificated positions after a conditional job offer is extended.

- A. A pre-employment physical will be conducted by an approved licensed, qualified health professional.
- B. The pre-employment physical will determine whether the job applicant is able to perform essential job functions.
- C. A conditional job offer will be withdrawn when the pre-employment physical determines that the individual cannot perform essential job functions with or without reasonable accommodation.

### IV. Office of Transportation (OOT) Physicals

- A. Applicants for all regular and substitute positions requiring a CDL
  1. BCPS requires that all applicants for positions that require a commercial driver's license (CDL) successfully complete a pre-employment physical after a conditional job offer is extended.
  2. A final offer of employment may not be made until such time that the required DOT *Medical Examiner's Certificate* has been issued.

B. Recertification DOT Examinations

1. All regular and substitute employees in job positions that require a CDL shall undergo and successfully complete a recertification physical examination as required by federal and/or state law or regulation.
2. Recertification physicals shall be conducted by a Board-approved licensed, qualified health professional.

C. Recertification Responsibilities

1. Department of Human Resources  
The Department of Human Resources is responsible for ensuring that all applicants for positions that require a CDL complete the required DOT physical.
2. Office of Transportation  
The Office of Transportation is responsible for ensuring that OOT recertification physicals for all school bus drivers are completed as required by law.
3. Office of Maintenance, Grounds and Logistics
  - a. The Office of Maintenance, Grounds and Logistics is responsible for ensuring that DOT recertification physicals for all employees in the Department of Physical Facilities in positions that require a CDL are completed as required by law.
  - b. The Office of Maintenance, Grounds and Logistics, in collaboration with the Office of Risk Management (ORM), is responsible for ensuring that recertification physicals for all employees are performed whenever there is a change in an employee's medical status.
4. Office of Food and Nutrition Services (OFNS)
  - a. The Office of Food and Nutrition Services is responsible for ensuring that DOT recertification physicals for all employees in OFNS in positions that require a CDL are completed as required by law.
  - b. The Office of Food and Nutrition Services, in collaboration with ORM, is responsible for ensuring that recertification physicals for all employees are performed whenever there is a change in an employee's medical status.

V. Employees' Retirement System of Baltimore County Physicals

Baltimore County Government requires a physical for ERS membership.

- A. Physicals under this paragraph will be conducted as directed by Baltimore County Government.
- B. The pre-employment physical required under Paragraph III may also be used for the ERS-required physical when membership in ERS is elected upon hire.

VI. Fitness for Duty Evaluations (FFDE)

- A. Initiating a Fitness for Duty Evaluation
  - 1. The referring supervisor/administrator will contact ORM regarding a FFDE when he/she has personally observed behaviors, or has been provided with reliable information from a third party of behaviors, that may warrant a FFDE or pose a direct threat.
  - 2. A request for a FFDE shall be forwarded to ORM, which will review the documentation provided to determine whether grounds exist for a FFDE.
  - 3. If the ORM determines that grounds exist for sending the employee for a FFDE, the ORM will notify and review with the executive director of human resources (HR) operations and the chief human resources officer (CHRO) for final approval.
- B. FFDEs are performed at the direction of the executive director of HR operations, and may include, without limitation, a health history, psychological examination, alcohol and drug testing and any medically indicated diagnostic studies.
  - 1. The employee will be placed on paid administrative leave once approval has been received from the CHRO by ORM and/or executive director of HR operations.
  - 2. The ORM will schedule the FFDE, and the employee will be notified by the executive director of HR operations of the time and place for the FFDE.
  - 3. The FFDE will be conducted by a Board-approved licensed, qualified health professional to determine whether the employee can perform the essential job functions, whether restrictions are necessary, or whether the employee poses a direct threat.
  - 4. The employee is required to attend the FFDE and cooperate and participate in good faith during the evaluation.
    - a. A FFDE will be rescheduled only for good cause.

- b. The request to reschedule must provide the reason the employee is unable to attend the FFDE and include supporting documentation.
  
- C. Failure to Appear or Refusal to Cooperate in FFDE
  - 1. An employee who fails to appear for a scheduled FFDE shall be responsible for any no-show fee assessed by the health professional, and the fees may be deducted from the employee's pay.
  - 2. An employee who fails to appear or refuses to cooperate in the FFDE may be subject to cancellation of approved leave and disciplinary action, up to and including termination.
  
- D. FFDE Results
  - 1. The ORM will review the FFDE report and notify the employee and the executive director of HR operations of the results as well as any recommended temporary restrictions.
  - 2. The ORM and employee assistance program (EAP) specialist will meet with the employee and notify him/her of the results.
  - 3. If the employee is determined not fit for duty and unable to perform essential job functions, the following will occur:
    - a. The employee will be informed of the health professional's recommendations and requirements for returning to work or send the employee to an options conference.
    - b. The employee will be coded personal illness (if available) or other appropriate leave as of the date the employee was removed from the workplace, if applicable.
    - c. The employee will be advised of his/her obligations under the return-to-work (RTW) plan and have him/her sign the RTW plan acknowledging understanding of the requirements.
  - 4. Compliance
    - a. The employee will be monitored by the ORM to ensure compliance with the RTW plan.
    - b. An employee will be recommended for termination if:
      - (1) The employee fails to accept the terms of the RTW plan or sign it; or
      - (2) The employee fails to comply with the requirements of the RTW plan.
  - 5. Follow-Up FFDE
    - a. Upon notice of compliance with the requirements of the RTW plan, the employee will be directed for a follow-up FFDE.

- b. If the Board-approved health professional determines the employee is fit for duty, the employee will be directed to attend a follow-up RTW meeting.
  - (1) At the RTW meeting, the employee will receive written notice of all requirements of the RTW plan and will be required to sign the RTW plan acknowledging understanding of those requirements.
  - (2) Failure to comply with any ongoing or additional requirements of the RTW plan, if applicable, will result in a recommendation for termination.
- c. If the Board-approved health professional determines the employee is not fit for duty for the foreseeable future, the ORM will conduct an options conference.

VII. Independent Medical Evaluations (IME)

- A. BCPS reserves the right to direct an employee to undergo an independent medical evaluation (IME) at the Board's expense upon recommendation from the ORM, the Equal Employment Opportunity (EEO) office or the benefits, leaves and retirement office.
- B. IMEs are performed at the direction of the executive director of HR operations and may include, without limitation, a health history, psychological examination, alcohol and drug testing, and any medically indicated diagnostic studies.
  - 1. The employee will be placed on paid administration leave once approval has been received from the CHRO, unless permitted to continue working or on another paid or unpaid leave, if appropriate.
  - 2. The ORM will schedule the IME, and the employee will be notified of the time and place for the IME.
  - 3. The IME will be conducted by a Board-approved licensed, qualified health professional to determine whether the employee can perform the essential job functions or whether restrictions are necessary.
  - 4. The employee is required to attend the IME, cooperate and participate in good faith during the evaluation. An IME will be rescheduled only for good cause. The request to reschedule must provide the reason the employee is unable to attend the IME and include supporting documentation.
- C. Failure to Appear or Refusal to Cooperate in IME

1. An employee who fails to appear for a scheduled IME shall be responsible for any no-show fee assessed by the health professional, and the fees may be deducted from the employee's pay.
2. An employee who fails to appear or refuses to cooperate in the IME may be subject to cancellation of approved leave and disciplinary action, up to and including termination. A recommendation for termination under this subparagraph shall be submitted by the office that made the recommendation for the IME to the executive director of HR operations.

D. IME Results

1. The ORM will review the IME report and notify the employee and the executive director of HR operations of the results as well as any recommended temporary restrictions.
2. If the employee is determined not fit for duty and unable to perform essential job functions, the ORM will:
  - a. Inform the employee of the health professional's recommendations, any requirements for returning to work, or if applicable, will conduct an options conference.
  - b. Place the employee on personal illness or other appropriate leave as of the date the employee was removed from the workplace.
3. Compliance
  - a. If the health professional recommends requirements for the employee to follow in order to return to work, the ORM will advise the employee of his/her obligations under the RTW plan and have him/her sign the RTW plan acknowledging understanding of the requirements. The employee will be monitored by the ORM to ensure compliance with the RTW plan.
  - b. An employee will be recommended for termination if:
    - (1) The employee fails to accept the terms of the RTW plan or sign it; or
    - (2) The employee fails to comply with the requirements of the RTW plan.
4. Follow-Up IME
  - a. Upon notice of compliance with the requirements of the RTW plan, the employee may be directed for a follow-up IME.
  - b. If the Board-approved health professional determines the employee is fit for duty, the employee may be directed to attend a follow-up RTW meeting.

- (1) At the RTW meeting, the employee will receive written notice of all requirements of the RTW plan and will be required to sign the RTW plan acknowledging understanding of those requirements.
  - (2) Failure to comply with any ongoing or additional requirements of the RTW plan, if applicable, will result in a recommendation for termination.
- c. If the Board-approved health professional determines the employee is not fit for duty for the foreseeable future, the ORM will conduct an options conference.

### VIII. Confidentiality of Medical Information

- A. Records related to the medical evaluations covered by this rule will be maintained apart from the general personnel files as a separate, confidential record.
- B. Medical information may be disclosed as follows:
1. Supervisors and managers may be informed about an employee's necessary restrictions and/or accommodations;
  2. To first aid and safety personnel if an employee needs emergency treatment or requires some other assistance during evacuations or emergencies;
  3. To government officials, upon request, or when investigating charges and complaints made/filed under the Americans with Disabilities Act (ADA) or other alleged violations of federal or state laws;
  4. To the Board's insurance or workers' compensation administrators or legal representatives in order to evaluate a claim;
  5. During administrative proceedings when the employee has placed his/her medical, mental or physical condition, or treatments at issue; and
  6. As otherwise required or permitted by applicable federal or state law, or in order to complete the business of, or interests of, the school system.

Legal References: 29 U.S.C. §§2601 *et seq.*, *Family and Medical Leave Act*  
29 U.S.C. §§12101 – 12117, 12201-12213, *as amended*, *Americans with Disabilities Act*  
42 U.S.C. §2000e(f), *Title VII of the Civil Rights Act of 1964*  
49 C.F.R. §391.41, *Physical Qualifications for Drivers*



*Annotated Code of Maryland, Labor and Employment Article, Title  
9, Workers' Compensation*

Related Policies: Board of Education Policy 0300, *Equal Employment Opportunity*  
Board of Education Policy 4002, *Obligations of Employees of the  
Board of Education of Baltimore County*  
Board of Education Policy 4202, *Retirement*  
Board of Education Policy 4203, *Absences and Leaves*

Related Rules: Superintendent's Rule 4202, *Retirement*  
Superintendent's Rule 4204, *Workers' Compensation*

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