

## DISABILITIES

### **Disabilities**

The Board of Education prohibits discrimination against a qualified individual with a disability with regard to job application procedures, hiring, advancement, employee compensation, or job training. The Board will afford qualified disabled individuals reasonable accommodations. The Supreme Court of the United States has recognized that individuals with a communicable disease may be considered disabled.

### **Medical Examinations**

The school Board may make pre-employment inquiries into the ability of an applicant to perform job-related functions. Medical examinations may be required after an offer of employment has been extended and before commencement of employment duties. Information obtained from such medical examinations will be collected and maintained on separate forms, in separate medical files, and treated with confidentiality.

An employee who is not qualified to perform his/her duties, or whose medical condition or disability poses a direct threat to the health or safety of individuals in the workplace, once properly established by medical evidence, and after proper due process procedures, may be relieved of his/her duties or reassigned.

The Board of Education may lawfully refuse to assign a person having a communicable disease, transmittable through the handling of food, to such duty or position as specified in the Federal Register Food and Drug Administration Regulations of May, 1991.

### **Privacy**

The confidentiality of applicant's and employee's medical records shall be strictly observed in accordance with applicable state and federal laws. Medical records shall be maintained separately from an applicant or employee personnel file. Such information may be released in limited circumstances:

- A. Upon signed release by the individual;
- B. To inform supervisor or administrator about necessary restrictions or accommodations to accomplish work or duties of the employee;
- C. Emergency medical treatment;
- D. In compliance with state or federal law.

DISABILITIES (continued)

Connecticut General Statutes Section 19a-581 through 585, "Aids Testing and Medical Information", provides that no person shall request HIV-related testing or disclose HIV-related information without informed written or oral consent of such individual.

**Alternative Accommodations**

The Supreme Court has recognized that individuals with contagious diseases will be considered as having a disability. Disabled employees who can no longer perform essential job functions are encouraged to advise their supervisors or administrators of the nature of their disability and which functions cannot be performed. The Board will consider any reasonable suggestions of accommodation that would enable performance of those functions so long as the accommodation will not impose an undue hardship on the operation of the school system.

A certified employee is not qualified to perform his/her duties if his/her medical condition or disability poses a direct threat to health or safety of individuals in the workplace, if it has been properly established by medical evidence and the employee has been afforded proper procedural due process safeguards.

(cf. 4112.4/4212.4 Health Examinations)

Legal Reference: Connecticut General Statutes  
19-581 through 585 AIDS testing and medical information.  
10-209 Records not to be public.  
46a-60 Discriminatory employment practices prohibited.  
Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C.  
706(7)(b).  
American Disability Act of 1989.  
*Chalk v. The United States District Court of Central California.*