

Policy GBE: STAFF HEALTH AND SAFETY

Status: DRAFT

Original Adopted Date: 04/21/2010

24C UPDATE EXPLANATION

This policy was revised to align with the Pregnant Workers Fairness Act (PWFA), a new federal law that requires employers with 15 or more employees to provide accommodations to employees' known physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. This obligation exists even if the condition does not rise to the level of a disability. Lactation is obviously one of the physical conditions arising out of pregnancy.

Under the PWFA, it is illegal to:

1. Not make reasonable accommodations, unless the district can demonstrate that the accommodations would impose an undue hardship on the operation of business;
2. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through an interactive process;
3. Deny employment opportunities to an employee because the employee needs an accommodation;
4. Require a qualified employee to take paid or unpaid leave if another reasonable accommodation can be provided to the known limitations; or
5. Take adverse employment action against a qualified employee because the employee requested or used a reasonable accommodation.

It is not necessary for an employee who is pregnant or has pregnancy-related limitations to show unfair treatment in the accommodations they are afforded compared to the accommodations afforded to other employees (previously, accommodations were sometimes denied for lack of similarly situated employees with whom to compare treatment).

For more information on the PWFA, go to <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>.

The Staff health and safety of all district personnel is of vital importance to the school district. The board will seek to provide safe working conditions for all staff members and will give prompt consideration to those conditions that may present a threat to the staff health and safety of staff members. The district will respond to employee requests for reasonable accommodations when an employee has a disability as defined by under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act (ADA) and for known limitations related to pregnancy, childbirth, or related medical conditions under the Pregnant Workers Fairness Act. All employees will receive annual training on universal precautions and the district's communicable disease policy.

The district will only make medical inquiries, require physical exams, and keep medical information on an employees only in accordance with law. Medical records must be maintained on separate forms in separate medical files and shall be kept confidential.

All employees will receive annual training on universal precautions and the district's communicable disease policy.

Individuals employed by the district or through a contracted service to drive district transportation must annually file provide the district with a statement from a medical examiner with the district that indicates that they are physically qualified to operate district transportation for the purpose of transporting students. A nNew drivers must file this statement prior to his or her their initial operation of district transportation.

Medical records must be maintained on separate forms in separate medical files and shall be kept confidential.