

SUGAR VALLEY RURAL CHARTER SCHOOL

POLICY NUMBER: 315
SECTION: EMPLOYEES
TITLE: **DISQUALIFICATION BY REASON OF HEALTH**
DATE ADOPTED: NOVEMBER 2008
DATE LAST REVISED:

DISQUALIFICATION BY REASON OF HEALTH

AUTHORITY

Consistent with law with respect to equal opportunity and nondiscrimination, it is the policy of the Board to ensure that professional employees of the district shall be physically and mentally fit to perform their assigned duties.

A professional employee may be placed on sick leave or be retired for physical or mental disability that makes him/her unfit to perform assigned duties.

GUIDELINES

In the case of a professional employee who, in the opinion of the CEO, is unfit to perform assigned duties by reason of physical or mental condition, the following procedures shall be followed:

1. The CEO shall present to the Board reasons for questioning the condition of the employee.
2. Should the Board determine that the reasons given constitute sufficient cause to order the employee to be examined, the employee shall be given written notice of the need for examination and an opportunity to appear before the Board, a committee of the Board, or a hearing officer designated by the Board within ten (10) days to explain why such an order will not be followed.
3. Should a hearing ensue, the hearing shall be conducted in accordance with law if dismissal is indicated or the following rules if a dismissal is not indicated:
 - a. The hearing will be held privately.
 - b. Staff members may present witnesses on their behalf.
 - c. Witnesses will be called individually and excused after making their statement.

d. Witnesses need not present testimony under oath and will not be subject to cross-examination, but they may be questioned by the person conducting the hearing.

e. Staff members may be represented by counsel or an individual of the employee's choice.

4. Following a hearing, if the Board orders an examination, it may be conducted by a physician designated and compensated by the Board.

5. The examination shall be conducted within ten (10) days following the hearing.

6. If as a result of the examination the employee is found to be unfit to perform assigned duties, the employee shall be placed on mandatory sick leave for the period indicated with the compensation to which s/he is entitled until proof of recovery, satisfactory to the Board, is furnished.

7. Should an employee refuse to submit to examination following the exhaustion of proper appeals, the Board shall consider such refusal as cause for dismissal.

REFERENCES:

School Code 1127, 1128, 1153, 1154, 1418

Title 28

Sec. 23.44