

18A:16-2

LEGISLATIVE HISTORY CHECKLIST
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(School employees-physical exams)

NJSA: 18A:16-2

LAWS OF: 1996 CHAPTER: 100

BILL NO: S99

SPONSOR(S): Haines and Rocco

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Education
SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 24, 1996
SENATE: February 5, 1996

DATE OF APPROVAL: August 12, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes Attached: statement with
Assembly floor amendments
adopted 6-17-96

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: ~~No~~ Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Second Reprint]
SENATE, No. 99

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator HAINES and Assemblyman Rocco

1 AN ACT concerning physical examinations of school employees and
2 amending N.J.S.18A:16-2.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. N.J.S.18A:16-2 is amended to read as follows:

8 18A:16-2. ²a. Every board of education **[shall] may** require **[all**
9 of its employees, and may require] ¹its employees and shall require
10 any candidate for employment¹ **[.]** ¹who has received a conditional
11 offer of employment¹ to undergo a physical examination¹ **[, the scope**
12 whereof shall be determined under rules of the state board, at least
13 once in every year] ¹**[and] . The board**¹ may require **[additional]**
14 individual psychiatric or physical examinations of any employee,
15 whenever, in the judgment of the board, an employee shows evidence
16 of deviation from normal, physical or mental health.

17 Any such examination may, if the board so requires, include
18 laboratory tests or fluoroscopic or X-ray procedures for the obtaining
19 of additional diagnostic data.

20 Nothing in this section shall be so construed as to affect screening
21 for tuberculosis or fitness examinations for bus drivers as required
22 pursuant to statute, rule or regulation.

23 ²b. A board of education may include testing for usage of
24 controlled dangerous substances as they are defined in N.J.S.2C:35-2
25 as part of any physical examination which is required of a candidate
26 for employment who has received a conditional offer of employment.
27 Any testing shall be conducted by a physician or institution designated
28 by the board of education and the costs shall be paid by the board.

29 The Department of Education, in consultation with the Department
30 of Health, shall develop guidelines for school boards which elect to

EXPLANATION - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted January 18, 1996.

² Assembly floor amendments adopted June 17, 1996.

SENATE, No. 99

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senator HAINES

1 AN ACT concerning physical examinations of school employees and
2 amending N.J.S.18A:16-2.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. N.J.S.18A:16-2 is amended to read as follows:

8 18A:16-2. Every board of education may require any candidate for
9 employment to undergo a physical examination and may require
10 individual psychiatric or physical examinations of any employee,
11 whenever, in the judgment of the board, an employee shows evidence
12 of deviation from normal, physical or mental health.

13 Any such examination may, if the board so requires, include
14 laboratory tests or fluoroscopic or X-ray procedures for the obtaining
15 of additional diagnostic data.

16 Nothing in this section shall be so construed as to affect screening
17 for tuberculosis or fitness examinations for bus drivers as required
18 pursuant to statute, rule or regulation.

19 (cf: N.J.S.18A:16-2)

20

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill eliminates the requirement that all board of education
27 employees have an annual physical examination. Screening for
28 tuberculosis and bus driver fitness examinations would not be affected
29 by the bill. While bus drivers would continue to have fitness
30 examinations, all other physical exams could be required by a board on
31 an individual rather than a group basis.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT TO

[First Reprint]

SENATE, No. 99

with Assembly Floor Amendments
(Proposed By Assemblyman ROCCO)

ADOPTED: JUNE 17, 1996

These floor amendments add language from Senate Bill No. 330(1R) (Martin) which has passed both houses of the Legislature. The added language permits boards of education to include drug testing as part of the physical examinations of candidates for employment who have received a conditional offer of employment.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 99

STATE OF NEW JERSEY

DATED: MARCH 4, 1996

The Senate Education Committee favorably reports Senate Bill No. 99 (1R).

This bill provides that a board of education may require its employees, and shall require any candidate for employment who has received a conditional offer of employment, to undergo a physical examination. Under the current statute, all current employees of a school board are required to undergo a physical exam annually and the board may require a physical exam of any candidate for employment. The bill makes clear that screening for tuberculosis or fitness examinations for bus drivers as required under any statute or regulation would not be affected.

As reported by committee this bill is identical to Assembly Bill No. 1701.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 99

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 18, 1996

The Senate Education Committee reports favorably Senate Bill No. 99 with committee amendments.

This bill provides that a board of education may require its employees, and shall require any candidate for employment who has received a conditional offer of employment, to undergo a physical examination. Under the current statute, all current employees of a school board are required to undergo a physical exam annually and the board may require a physical exam of any candidate for employment. The bill makes clear that screening for tuberculosis or fitness examinations for bus drivers as required under any statute or regulation would not be affected.

The committee amended the bill to make a physical exam permissive for current employees and mandatory for candidates for employment who have a conditional offer of employment.

While the bill provides a new requirement that candidates for employment undergo a physical examination, the committee notes that the requirement is permitted under the recently approved State constitutional amendment prohibiting unfunded mandates because the bill also eliminates the mandatory annual physical examination now required of all school board employees.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE TO

[First Reprint]
SENATE, No. 99

STATE OF NEW JERSEY

DATED: JUNE 12, 1996

Senate Bill No. 99(1R) of 1996 provides that boards of education shall require that all job candidates having a conditional employment offer undergo a physical examination, and removes the required annual physical examination for all board employees. The current statute required that all current board employees undergo a physical exam annually and authorizes boards to require such an exam of any employee candidate. The bill stipulates that screening for tuberculosis and fitness examinations for bus drivers, whether required by statute, rule or regulation, are not to be affected by the provisions of this bill.

The Department of Education and the Office of Management and Budget have not provided any fiscal information on this legislation.

The Office of Legislative Services(OLS) notes that it is not possible to calculate a precise fiscal estimate for S-99(1R) because the job candidates who will receive an offer of employment is an unknown factor. However, using the following data from the Department of Education for the 1994-95 school year, the cost impact of this bill for certificated staff can be estimated. Department of Education data indicate that there were 105,011 full time, certificated staff members employed by boards of education in the 1994-95 school year. Of that total, 7,199 represent those employees newly hired during 1994-95, while 97,812 were employed the previous year. The table below indicates the difference between the cost of mandated physical examinations for full-time, certificated staff employed in the previous school year, 1993-94, and mandated examinations only for those newly hired in 1994-95. Further, the table illustrates the total costs if individual physical exam costs were either \$50 per person or \$75.

Cost Comparison of Required Physical Examinations For Full-Time Certificated Staff Under Current Statute vs. Mandated Physical Exams Under S-99(1R) .		
	Estimated Costs Under Current Requirement: Certificated Staff with at least one year of experience	Estimated Costs Under S-99(1R) Requirement: First Year Certificated staff only
Estimated Exam Cost	97,812	7,199
@\$75.00 per person	\$7,335,900	\$539,925
@\$50.00 per person	\$4,890,600	\$359,950