

PERSONNEL

6140 EMPLOYEE MEDICAL EXAMINATIONS

Pre-employment Medical Examinations

The School District will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Examinations During Employment

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether an employee can perform the essential functions of the position with or without reasonable accommodation or for other valid employment reasons.

All vendor or contract bus company will ensure that its bus drivers and substitute bus drivers must have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company will have a physical examination within the eight weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a 13-month period.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Examinations and Inquiries

The District may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job-related functions.

The District, however, will not require a medical examination and will not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Policy References:

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

28 CFR §§ 41.55 and 42.513

29 CFR §§ 1630.13 and 1630.14

34 CFR § 104.14

Civil Service Law § 72

Education Law §§ 913 and 3624

8 NYCRR §§ 136.3 and 156.3(2)

15 NYCRR Part 6