

## Policy Information

### Series 6000 - PERSONNEL

#### PERSONNEL

#### Employee Medical Examinations

Policy # 6140

#### Preemployment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the School District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District shall 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 preemployment inquiries into the ability of an applicant to perform job-related functions.

#### Employment Entrance Examinations

All entering employees are required to obtain a medical examination after an offer of employment has been made and prior to the commencement of the employment duties of such applicant. Further, the District may condition an offer of employment on the results of the examination in accordance with law.

When such examination is made by the school physician/nurse practitioner the cost of such examination shall be borne by the District. A staff member, however, may elect to have a medical examination at his/her own expense by a physician of his/her own choice.

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

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

The final acceptance or rejection of a medical report with reference to the health of an employee lies within the discretion of the Board. The decision of the physician designated by the Board as the determining physician shall take precedence over all other medical advice.

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

##### Acceptable

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.

##### Prohibited

The District shall not require a medical examination and shall 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 Amendments Act (ADAAA) of 2008, Public Law 110-325)

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

45 Code of Federal Regulations (CFR) Parts 160 and 164

Education Law Sections 913 and 3624

8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)

10 New York Code of Rules and Regulations (NYCRR) Part 14

15 New York Code of Rules and Regulations (NYCRR) Part 6

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