

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS**Pre-employment Medical Examinations**

~~In accordance with the Americans with Disabilities Act, as amended,~~ The 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 ~~Medical Examinations~~

The Board reserves the right to request a medical examination at any time during employment, at ~~School~~ 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~~.

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

Each 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 or contract bus company will have a physical examination within the ~~four (4)~~ eight weeks prior to the beginning of service. In no case will the interval between physical examinations exceed a 13-month period.

~~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 will 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).

(Continued)

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)**Examinations and Inquiries**Acceptable

The District ~~will~~ 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, however, will not require a medical examination and will not make inquiries as to whether the 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.

~~Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325)~~

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

~~45 CFR Parts 160 and 164~~

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

Vehicle and Traffic Law §§ 509-b, 509-d, and 509-g

8 NYCRR §§ 136.3 and 156.3(2)

~~10 NYCRR Part 14~~

15 NYCRR Part 6

Adopted: 8/5/96

Revised: 5/22/06; 8/30/10, 7/06/15