

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

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.

Employment Entrance Examinations

All entering employees are required to obtain a medical examination after an offer of employment has been made and **within 30 days after the** commencement of their employment. The District may condition an offer of employment on the results of the examination in accordance with law.

When the examination is made by the school physician or nurse practitioner, the cost of the examination will be borne by the District. A staff member, however, may elect to have a medical examination at their own expense by a physician of their own choice.

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 bus drivers and substitute bus drivers must have yearly physical examinations. Each bus driver initially employed by the District will have a physical examination within the eight weeks prior to the beginning of service. In no case will 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 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.

(Continued)

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS (Cont'd.)

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
Vehicle and Traffic Law §§ 509-b, 509-d, and 509-g
8 NYCRR §§ 136.3 and 156.3
15 NYCRR Part 6