

Book	Policy Manual
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1461 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board ~~of Education~~ to protect students and employees from the effects of contagious diseases and other circumstances that render administrators ~~the Superintendent or other administrative staff members~~ unable to perform their duties.

The Board authorizes the Superintendent to place an administrator ~~administrative employee~~ on leave for physical or mental condition that affects the employees ability to perform assigned duties in conformance with the law.

The Superintendent shall require that the administrator ~~administrative staff member~~ submit to an appropriate examination by a healthcare provider designated and compensated by the District.

The employee will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal ~~of the administrator~~ to submit to an appropriate examination requested by the Superintendent or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

As required by Federal law and regulation and Board Policy 1422.02, the Superintendent shall direct the provider designated by the District ~~Board~~ to conduct the examination not to collect genetic information or provide any genetic information, including the individual's family medical history, in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended (ADA) and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination, the administrator ~~administrative staff member~~ is found to be unable to perform assigned duties, the administrator shall be placed on leave of absence until proof of recovery, satisfactory to the Superintendent, is furnished.

~~Should an administrative staff member refuse to submit to the examination requested by the Superintendent such refusal shall subject the professional staff member to disciplinary action.~~

The Superintendent may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 3430.01 as provided by law.

Similarly, the Board may require the Superintendent to follow the procedures outlined in this policy should there be applicable circumstances.

Legal

- 111.32, et seq., the Wisconsin Fair Employment Act
- 29 C.F.R., Part 1630
- 29 C.F.R., Part 1635
- 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
- 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Jennifer Hagemann on November 9, 2018