

Book	Policy Manual
Section	1000 Administration
Title	Copy of INCAPACITY OF THE DISTRICT ADMINISTRATOR ok CP
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1260 - **INCAPACITY OF THE DISTRICT ADMINISTRATOR**

It is the duty of the Board to appoint the Assistant Superintendent, ~~Chief Finance and Business Services Officer~~ **of Operations** as the District Administrator 'pro tempore' upon a determination that the District Administrator is incapacitated in such a manner that the District Administrator is unable to perform the duties of the office. Until such appointment, the Board President shall have the authority to take or delegate necessary administrative actions on behalf of the District.

The Board shall fix the compensation of the District Administrator 'pro tempore' who shall serve, pending further determination of the District Administrator's ability to perform assigned duties and functions, or until the District Administrator's employment ends and a new District Administrator assumes office. District Administrator 'pro tempore' shall perform all of the duties and functions of the District Administrator, and may be removed at any time using the procedures set forth in Policy 3140 - Non-Renewal, Resignation, and Termination.

The Board will exercise its authority under law to determine the incapacity of the District Administrator and to place the District Administrator on leave for a physical or mental condition that affects the District Administrator's ability to perform assigned duties in conformance with the law. The Board may require that the District Administrator submit to an appropriate examination by a healthcare provider of the District Administrator's choice, a healthcare provider designated and compensated by the District, or both.

The District Administrator 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 and to allow the Board to speak to the health care provider who conducted the medical examination if clarification is needed. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

If the Board determines that the District Administrator is unable to perform the duties of the office, the District Administrator may:

- A. at the District Administrator's request, be placed on sick leave, with pay, not to exceed the amount of accumulated, but unused, sick leave and any advancement of such sick leave which may be authorized by Board policy;
- B. at the request of the Board be placed on sick leave with such pay to which the District Administrator may be entitled or which may be authorized by Board policy;
- C. at the District Administrator's request, be placed on a leave without pay.

As required by Federal law and regulation and Board Policy 1422.02 - Nondiscrimination Based on Genetic Information of the Employee, the Board shall direct the provider designated by the 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 District Administrator is found to be unable to perform assigned duties, the District Administrator may be placed on a leave of absence until such time as the District Administrator is able to return to the performance of the position or other action is taken.

Should the District Administrator refuse to submit to an examination such action constitutes insubordination.

The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMLA leave entitlement consistent with Policy 1630.01 as provided by law.

The foregoing leave shall not extend beyond the contract of the District Administrator.

The District Administrator shall, upon request to the President of the Board, be returned to active duty status, unless the Board denies the request within ten (10) days of receipt of the request. The Board may require the District Administrator to establish to its satisfaction that the District Administrator is capable of resuming such duties on a full-time basis.

The Board may demand that the District Administrator return to active service upon medical documentation that the District Administrator is able to resume the position's duties.

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