



Book	Policy Manual
Section	Vol. 30 No. 2 Ready for the Board
Title	Copy of UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
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4161 - **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

The Board authorizes the District Administrator to place a support staff member on sick leave or suspend a support staff member for physical or mental disability to perform assigned duties in conformance with the law.

The District Administrator may require that the support staff member submit to an appropriate examination by a healthcare provider designated by the support staff member, a healthcare provider designated and compensated by the District, or both.

The staff member 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/District Administrator and to allow the District Administrator to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination 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 4122.02, the District Administrator 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 his/her such examination, the support staff member is found to be unable to perform assigned duties, the support staff member shall be placed on leave of absence pending further determination of ability to perform duties, including evaluation of any reasonable accommodations in the event of the existence of a disability.

Should a support staff member refuse to submit to ~~the an~~ examination **requested by the District Administrator, such refusal shall subject the support staff member to disciplinary action following the exhaustion of proper appeals, the District Administrator shall consider the certification of charges for reasons of 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 4430.01 as provided by law.

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 Coleen Frisch on January 23, 2022