



Book	Policy Manual
Section	1000 Administration
Title	Copy of UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY
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1461 - UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

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

The Board authorizes the District Administrator 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 and consistent with any applicable terms of a collective bargaining agreement.

The District Administrator shall require that the administrator ~~administrative employee~~ submit to an appropriate examination by a health-care provider of the administrators' choice provided such healthcare provider has been approved by the District. ~~designated by the administrative staff member.~~

~~Where the healthcare provider designated by the District Administrator disagrees with a healthcare provider designated by the administrative staff member, the two (2) healthcare providers shall agree in good faith on a third impartial healthcare provider who shall examine the staff member and whose medical opinion shall be conclusive and binding on the issue of medical capacity to perform assigned duties. The expenses of a third examination shall be borne 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/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 of the administrator to submit to an appropriate examination requested by the District Administrator 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 District Administrator 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 his/her such examination, the administrator ~~administrative staff member~~ is found to be unable to perform assigned duties, the administrator ~~administrative staff member~~ shall be placed on leave of absence with such compensation to which s/he is entitled until proof of recovery, satisfactory to the District Administrator, is furnished.

~~Should an administrative staff member 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 3430.01 as provided by law.

Revised 10/1/18

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Legal 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
 29 C.F.R., Part 1630
 29 C.F.R. Part 1635
 111.32, et. seq., the Wisconsin Fair Employment Act

Last Modified by Nichole Schweitzer on September 28, 2018