LEAVE OF ABSENCES/FITNESS FOR DUTY

A. If the Superintendent believes the staff member is unable to perform essential job functions, the staff member will be offered the opportunity for a meeting to discuss these issues.

B. If a staff member refuses to attend the meeting, or the Superintendent or his/her designee believes it is warranted, the Board may order the staff member to submit to an appropriate examination by a physician designated and compensated by the Board.

C. All such requests for examination shall include the following notice to the examiner:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide any genetic information when responding to this request for medical information. ‘Genetic information’ as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. If, as a result of such examination, the staff member is found to be unable to perform assigned duties with or without accommodation, the staff member may request a leave of absence in accordance with the applicable collective bargaining agreement or handbook for a period not to exceed one (1) year. If the staff member is unable to perform assigned duties with or without accommodation, does not request a leave of absence or have other options provided by law (such as FMLA), they may be subject to disciplinary action up to and including termination.

E. Should a professional staff member refuse to submit to the examination requested by the Board and the professional staff member has exercised his/her rights under the provisions hereinabove set forth, such refusal shall subject the professional staff member to disciplinary action.


ADMINISTRATIVE REGULATION

Approved: July 19, 2016