PHYSICAL EXAMINATIONS

A. The District reserves the right to require any employee to undergo a physical exam at the District’s expense. 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."

B. Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA).

C. In the event of a report of a condition that could influence job performance, the Superintendent shall base a non-employment recommendation to the Board upon a conference with a physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

LEGAL CITATION:
29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

ADMINISTRATIVE REGULATION

Approved: July 19, 2016