

UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY

The Board of Education may place a classified staff member on unrequested leave of absence for physical or mental inability when the staff member is unable to perform assigned duties.

If the Superintendent believes the staff member is unable to perform assigned duties, the classified staff member will be offered the opportunity for a meeting to discuss these issues.

Prior to placing a classified staff member on unrequested leave, the Board may require the staff member to submit to an appropriate examination by a health provider determined by the District. The results of any such examination shall be treated as a confidential medical record and will be used only in compliance with law.

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/Superintendent and to allow the Superintendent or his/her designee 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, the Superintendent 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 classified staff member is found to be unable to perform assigned duties and no reasonable accommodations are available, the classified staff member may be placed on involuntary leave of absence for a period not to exceed two (2) consecutive school years.

A classified staff member subject to an unrequested leave of absence is entitled to a hearing as provided for in state law or the terms of an applicable collective bargaining agreement.

LEGAL REFS.: O.R.C. §§3319.13, 3319.16
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

Adopted: November 23, 2015