

# Policy

**BOARD OF EDUCATION  
HORTONVILLE AREA SCHOOL DISTRICT**

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## 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 school professional staff members unable to perform their duties.

The Board authorizes the District Administrator to place a professional staff member on leave for physical or mental condition that affects the employee's ability to perform assigned duties in conformance with the law.

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

The professional 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 3122 – Nondiscrimination and Equal Employment Opportunity / Complain Procedures, 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 records as required by the ADA.

If, as a result of his/her such examination, the professional staff member is found to be unable to perform assigned duties, the professional 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 professional staff member refuse to submit to an examination such action constitutes insubordination.

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The District Administrator may designate any period of leave under this policy as qualifying leave under State and/or Federal FMAL leave entitlement consistent with Policy 3430.01- Family and Medical Leave as provided by law.

Legal References:

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

111.32, et, seq., The Wisconsin Fair Employment Act

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