



Lewiston-Porter Central School District

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NA-3

Memorandum

Date: December 2, 2021

To: Paul J. Casseri, Superintendent of Schools

From: Patricia Grupka, Assistant Superintendent for Administrative Services

Subject: Approval to delete Policy 6140, Employee Medical Examination

This memo serves as a request for approval to delete Policy, 6140 Employee Medical Examination. After review, the policy committee and administration recommend the deletion of policy 6140 as it provides little to no risk mitigation for the cost to the district; significantly slows and hinders the hiring process, and may prove a disincentive to employment in the district as no other school district requires these procedures.

Please note this policy is not a required policy.

Attached policy for your reference.

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 6140
Personnel 1 of 2

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Preemployment Medical Examinations

In accordance with the Americans with Disabilities Act, as amended, the District shall not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, the District will shall not make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

However, the District may make preemployment inquiries into the ability of an applicant to perform job related functions.

Employment Entrance Examinations

All entering employees are required to obtain a drug screening after an offer of employment has been made and prior to the commencement of the employment duties of such applicant. Further, the District may condition an offer of employment on the results of the examination in accordance with law. The cost of the screening shall be borne by the District

The Board reserves the right to request a medical examination at any time during employment, at District expense, in order to determine whether any employee can perform the essential functions of the position with or without reasonable accommodation.

Annual or more frequent examinations of any employee may be required, when, in the judgment of the school physician/nurse practitioner and the Superintendent, such procedure is deemed necessary.

Each vendor/contract bus company shall ensure that its bus drivers and substitute bus drivers shall have yearly physical examinations. Each bus driver initially employed by the vendor/contract bus company shall have a physical examination within the four (4) weeks prior to the beginning of service. In no case shall the interval between physical examinations exceed a thirteen-month period.

All medical and health related information will be kept in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 6140

Personnel 2 of 2

SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS

Examinations and Inquiries

Acceptable

The District may provide voluntary medical services, which are part of an employee health program available to employees at that work site. The District may make inquiries into the ability of an employee to perform job related functions.

Prohibited

The District shall not require a medical examination and shall not make inquiries as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless the examination or inquiry is shown to be job related and consistent with business necessity.

Americans with Disabilities Act Amendments Act
(ADAAA) of 2008, Public Law 110-325)
Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-
191
45 Code of Federal Regulations (CFR) Parts 160 and
164
Education Law Sections 913 and 3624
8 New York Code of Rules and Regulations (NYCRR) Section 156.3(2)
10 New York Code of Rules and Regulations
(NYCRR) Part 14
15 New York Code of Rules and Regulations
(NYCRR) Part 6

Adoption Date: 11/19/2019