

## FITNESS FOR DUTY LEAVES AND EXAMINATIONS

In compliance with federal law, the Southwestern Consolidated School District of Shelby County may place an employee on an unrequested leave of absence at any time if the employee has demonstrated an inability to perform essential job functions with or without reasonable accommodation.

If the Superintendent or designee believes the employee is unable to perform essential job functions, the employee will be offered the opportunity for a meeting to discuss the matter. Such employee (or an applicant for employment-after a conditional offer of employment) may be required to submit to a Fitness for Duty Examination (“Fitness Exam”) conducted by a qualified healthcare provider of the Corporation’s choice. The Fitness Exam will determine whether an applicant has an ability to meet the qualification standards or perform the essential functions of the position, an employee’s ability to perform the essential functions of his/her position, or whether an employee poses a direct threat to safety due to a medical condition. A Fitness Examiner will be provided with a list of the essential functions of the position for which the Exam is being conducted.

The Corporation shall pay the cost of a Fitness Exam. An employee shall participate in the Exam without loss of pay, and will be compensated for travel expense at the School Corporation’s established per mile rate. An applicant for employment shall not be eligible for any compensation or mileage reimbursement in conjunction with the Fitness Exam.

In agreeing to perform the Fitness Exam, the healthcare provider and the examinee shall agree that no treatment relationship or privileged communication shall occur between the examiner and the applicant or employee. Employees or applicants shall read and agree to all necessary documentation to conduct the Fitness Exam. Reports of all Fitness Exams shall be delivered to the Superintendent or designee. In compliance with the Genetic Information Nondiscrimination Act (GINA) and relevant Board Policy, an examiner shall not seek, collect, or report genetic information, including the candidate’s family medical history. The report of the examiner may be shared with the employee or candidate and made a part of the employee’s personnel record. The School Corporation shall take appropriate employment action based on the Fitness Exam report.

An employee’s refusal to submit to or cooperate with a fitness for duty examination may result in disciplinary action up to and including termination.

A teacher placed on leave without a written request is entitled to a hearing on that action in accordance with I.C. 20-28-7.5.

Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 12101 et. seq.  
29 C.F.R. Part 1630  
29 C.F.R. Part 1635  
I.C. 20-28-7.5 et seq., 20-28-10-4

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Southwestern Consolidated School District of Shelby County

Adopted: [date]

Revised: [date]