

Board Policy

Employee Medical Examinations

Pre-Employment Medical Examinations

Eastern Suffolk BOCES will not require applicants for positions to undergo a medical examination prior to an offer of employment. Further, ESBOCES will 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, ESBOCES may make pre-employment inquiries into the ability of an applicant to perform job-related functions.

Employment Entrance Examinations

All entering employees are expected to obtain a medical examination after an offer of employment has been made and prior to the commencement of their employment. While such examinations are not legally required, ESBOCES may condition an offer of employment on the results of the examination in accordance with law.

When the examination is made by the ESBOCES Medical Director, the cost of the examination will be borne by ESBOCES. A staff member, however, may elect to have a medical examination at their own expense by a physician of their own choice.

Employee Medical Examinations

The Board, District Superintendent, Chief Operating Officer, or designee, reserves the right to request a medical examination of an employee at any time during employment, at ESBOCES expense, in order to determine whether an employee can perform the essential functions of the position with or without reasonable accommodation or for other valid employment reasons.

Each bus company under contract to ESBOCES will ensure that all of its bus drivers and substitute bus drivers have yearly medical examinations. Each bus driver initially employed by ESBOCES or contract bus company will have a physical examination within eight weeks prior to the beginning of service. In no case will the interval between physical examinations exceed a 13-month period.

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

Examinations and Inquiries

ESBOCES may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that work site. ESBOCES may make inquiries into the ability of an employee to perform job-related functions.

ESBOCES, however, will not require a medical examination, and will not make inquiries as to whether the 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.

References:

- Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.
- Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.
- Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191
- 28 CFR Sections 41.55 and 42.513
- 29 CFR Sections 1630.13 and 1630.14
- 34 CFR Section 104.14
- Civil Service Law Section 72
- Education Law Sections 913 and 3624
- Vehicle and Traffic Law Sections 509-b, 509-d, and 509-g
- 8 NYCRR Sections 136.3 and 156.3
- 15 NYCRR Part 6

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