

### 3160, 4160 - PHYSICAL EXAMINATION

The Board requires any candidate who has been offered employment, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with applicable law.

The Board shall also require the candidate, based on a contingent job offer, to submit to a test for controlled substances the results of which must indicate there is no evidence of unlawful drug use. Such examinations shall be done in accordance with the Superintendent's guidelines and applicable law.

This policy is promulgated by the Board toward creating a drug-free school environment. Enhanced productivity and employee safety are the intended products of this Policy. Moreover, because School District employees supervise and act as role models for the students of this District, this Policy is intended to promote and protect student health and safety.

A refusal by the finalist to submit to pre-employment drug testing shall constitute an automatic withdrawal of any further consideration of that finalist for employment by the District. The results of such testing shall be released directly to the District's Superintendent by the test facility conducting the examination. The District will pay for the cost of the examination.

The test will be administered by a person of the District's choice ("testing facility"), which person shall be qualified to perform the examination using testing methods that are technologically current and procedures that are legally adequate. All results will be kept confidential. These procedures will provide for the following:

- A. Proper collection and documentation of the chain of custody of a sample;
- B. Application of the same or an alternative testing method to confirm results that show "positive" initially; and
- C. The preservation of a specimen sample by the testing facility for use by the finalist.

When a positive test result is received by the District, the District reserves the right to:

- A. Cease any and all contract negotiations between the District and the finalist;
- B. Refuse to offer any future employment to the finalist;
- C. Withdraw from consideration that individual's application for employment; and
- D. Release any finalist from temporary employment.

These procedures as required by District policies shall adhere to all state and federal laws and the finalist may be given an opportunity to rebut or explain the results of a positive test.

Test results and other personally identifiable medical information received by the District as a result of the application of this procedure shall be treated as confidential and will only be disclosed in connection with and as required by the procedures and proceedings contemplated by this regulation.

A consent form will be signed by the applicant for employment acknowledging the finalist has read, understood, and agreed to all the provisions contained in the Pre-Employment Drug Test Policy, and that the finalist consents to be tested for the presence of drugs in the finalist's system as a pre-condition for employment with the Mosinee School District.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act 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 (see Form 3160 F2).

Reports of all such examinations or evaluations shall be delivered to the Superintendent, who shall protect their confidentiality. Reports will be discussed with the employee or candidate. In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 3122.02, the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the

Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report of a condition that could influence job performance, the Superintendent shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall assume the fees for examinations.

Revised 10/24/17

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Legal

118.25, Wis. Stats.

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

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### Acknowledgment

I, the below named applicant for employment, do hereby acknowledge that I have read, understand, and agree to all the provisions contained in the above titled **Policy 3160 and 4160: Physical Examination** and that I unconditionally consent to be tested for the presence of drugs in my system as a pre-condition for my employment by Mosinee School District.

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Employee Name (Printed)

\_\_\_\_\_

Signature

\_\_\_\_\_

Date