

As a condition of employment, new District employees shall complete a health examination performed by a qualified medical practitioner. As required by state law, the practitioner who performs the examination must complete a report of the examination and be able to make confidential recommendations therefrom to the District and to the employee. Any such new-employee health examination shall include a screening questionnaire for tuberculosis (approved by the Wisconsin Department of Health Services) and, if indicated, a test to determine the presence or absence of tuberculosis in a communicable form. To the extent provided under state law, freedom from tuberculosis in a communicable form is a condition of employment.

By policy or rule, the District may require employees to complete additional health examinations at specified intervals. Any such additional examination may include the completion of a screening questionnaire for tuberculosis that is administered by a qualified medical practitioner, school nurse, or registered nurse.

The initial employment health examination and any interval-based re-examinations that are required under this policy shall be conducted at no cost to the employee. To the extent permitted or required by law, the administration may differentiate the specific scope and timing of employee health examinations based upon the position and duties that the employee is expected to perform.

At the discretion of the Human Resources Director or his/her administrative-level designee and upon the request of an individual who has been offered employment, the District may accept proof of a qualifying health examination that was completed by a medical practitioner in the 90-day period preceding initial employment in lieu of requiring a separate examination. In such a situation, the employee must be willing to provide any consent that is necessary to authorize the practitioner to provide the District with a copy of the relevant report and any appropriate confidential recommendations therefrom.

Pursuant to state law, the Human Resources Director or his/her administrative-level designee may waive any of the health examination requirements identified above if the employee's duties will not require contact with children or the preparation of food for children.

To the extent mandated by applicable law, new-employee health examinations and any interval-based re-examinations that are not separately required by a state or federal law shall not be mandatory for any employee (or applicant who has been offered employment) who files a written affidavit with the District that sets forth (1) that he/she depends exclusively upon prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect, denomination or organization; (2) that the employee is, to the best of the employee's knowledge and belief, in sound health; and (3) that the employee claims exemption from a health examination on these grounds. No employee shall be discriminated against by reason of his/her filing of such an affidavit. However, notwithstanding the filing of any such affidavit, the District reserves the right to require a health examination by an appropriate medical practitioner where the District has reasonable cause to believe that the employee (or applicant) is suffering from a condition that would be detrimental to the health of students and in any other circumstances permitted or required by law.

### **Legal References:**

### Wisconsin Statutes

<a href="#">Section 103.15</a>	[restrictions on use of HIV test]
<a href="#">Section 111.321</a>	[prohibited bases for employment discrimination under state law]
<a href="#">Section 111.322</a>	[discriminatory actions prohibited]
<a href="#">Section 118.195</a>	[discrimination against teachers with a disability prohibited]
<a href="#">Section 118.25</a>	[school employee health examinations; including a statutory definition of "practitioner"]
<a href="#">Section 121.555(2)(c)</a>	[medical examinations required of employees who provide transportation to students]
<a href="#">Section 146.81</a> – <a href="#">146.84</a>	[patient health care records]
<a href="#">Section 343.12(2)</a>	[school bus operator requirements; includes physical examination requirement]

### Federal Laws

<a href="#">Americans with Disabilities Act</a>	[nondiscrimination on the basis of disability; employee medical examinations and recordkeeping]
<a href="#">Health Insurance Portability and Accountability Act</a> (HIPAA)	[restrictions on disclosure of personal health information]

### Cross References:

WASB PRG 523.1 Sample Policy 1

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