

## Personnel

**SUBJECT: EMPLOYEE MEDICAL EXAMINATIONS****Pre-employment Medical Examinations**

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

**Examinations During Employment**

The Board reserves the right to request a medical examination at any time during employment, at BOCES 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.

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

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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