

**RESOLUTION OF THE TOWNSHIP OF UNION PUBLIC SCHOOLS BOARD OF EDUCATION
REGARDING FITNESS FOR DUTY EXAMINATION**

WHEREAS, the Board of Education of the Township of Union Public Schools is committed to ensuring a safe and effective educational environment and the well-being of its students, employees, and the broader school community; and

WHEREAS, the Board of Education has a legal responsibility under the New Jersey Administrative Code (N.J.A.C. 6A:32-6.3) to provide for the safety and health of employees and to ensure that staff members are physically and mentally capable of performing their job responsibilities; and

WHEREAS, under N.J.S.A. 18A:16-2, boards of education have the authority to require employees to submit to a physical or psychiatric examination when there is reasonable cause to believe that an employee is unfit to perform their job duties, either due to physical or mental health conditions; and

WHEREAS, in accordance with the Americans with Disabilities Act (ADA) and the New Jersey Law Against Discrimination (NJLAD), the Board recognizes that any medical examination must be job-related and consistent with business necessity; and

WHEREAS, concerns have been raised regarding the physical and/or mental capacity of Employee #11836, currently employed as a teacher, to effectively perform the essential functions of their position in a safe manner; and

WHEREAS, the Superintendent of Schools and the Personnel Department have recommended that Employee #11836 undergo a fitness-for-duty examination to determine their ability to fulfill their job responsibilities safely and competently;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Union Public Schools Board of Education, pursuant to its authority under N.J.S.A. 18A:16-2, N.J.A.C. 6A:32-6.3, and other applicable laws and regulations, directs Employee #11836 to submit to a fitness-for-duty examination by a licensed healthcare provider designated by the Board; and

BE IT FURTHER RESOLVED, that the fitness-for-duty examination will be conducted in accordance with the Americans with Disabilities Act (ADA), the New Jersey Law Against Discrimination (NJLAD), and any applicable Board policies, and will focus solely on determining Employee #11836's ability to perform the essential functions of their position, with or without reasonable accommodations; and

BE IT FURTHER RESOLVED, that the Board of Education will consider the results of the fitness-for-duty examination in determining Employee #11836's ongoing employment status and ability to perform their job functions safely and effectively; and

BE IT FURTHER RESOLVED, that Employee #11836 is directed to cooperate fully with the examination process, providing any necessary documentation or information as requested by the Board's designated healthcare provider, and that failure to comply may result in further action by the Board, in accordance with Board policies, collective bargaining agreements, and state and federal law; and

BE IT FURTHER RESOLVED that the Board reserves the right to take appropriate action based on the findings of the fitness-for-duty examination, which may include, but is not limited to, a return to duty with or without accommodations, a period of leave, or other actions consistent with applicable law and Board policy.

Adopted this _____ of October, 2024, by the Township of Union Public Schools Board of Education.