

## **COMMUNICABLE DISEASES -- EMPLOYEES**

*Policy Code:*

**7262**

<sup>1</sup>It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and to control the spread of serious communicable diseases and conditions, the superintendent will make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her principal so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in 10A N.C.A.C. 41A.0101. This policy shall be shared with school staff annually and with new employees as part of any initial orientation.

### **A. COMMUNICABLE DISEASE DEFINED**

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, which is transmitted directly or indirectly to a person from an infected person or animal.

### **B. SAFETY CONTROL MEASURES**

#### **1. Handling Bodily Fluids**

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, shall be distributed by the administration and followed by all school district employees. Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan shall be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time after assuming employment, but not to exceed 30 days. Faculty should not allow students to be involved in the handling, disposal and cleanup of potentially infectious materials unless the student has been specifically trained in the handling of such materials and is qualified to perform first aid services.

Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the director of the personnel office any failure by a staff member or a

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<sup>1</sup> This policy clearly states the legal requirements regarding employees with communicable diseases.

student to follow the universal precautions, including their own.

2. Reporting Communicable Diseases

In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions, to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other staff members as necessary to prepare and file a report. All information must be kept strictly confidential.

3. Following Health Control Measures for Communicable Diseases

Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director and take all necessary precautions to prevent the transmission of the disease or condition. Any school district employee who has reason to believe that a fellow employee is failing to follow safe practices, including a failure to use the universal precautions, must report this to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

4. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school district personnel that a school district employee with a communicable disease or condition may be posing a threat to the public health, these personnel shall cooperate with the health director in eliminating the threat.

**C. EMPLOYMENT STATUS OF EMPLOYEE<sup>2</sup>**

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

- a. feels unable to continue to perform the regular duties of the position due to a

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<sup>2</sup> This section provides for reasonable accommodation of handicapping conditions, as required by the American with Disabilities Act of 1990, 42 U.S.C. Sec. 1201m *et seq.*

communicable disease or condition, or

- b. feels he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.

The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

## 2. Interdisciplinary Committee<sup>3</sup>

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee to the extent necessary to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school district personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

## 3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent will determine:

- a. to what degree the employee's presence in his or her current job exposes students or other staff to possible transmission of the disease; and/or
- b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school district and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of

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<sup>3</sup> An interdisciplinary committee is not required by law, but may prove to be a helpful tool when the superintendent needs to consult with medical experts in order to make reasonable accommodation decisions required by the Americans with Disabilities Act.

information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel shall be kept confidential and separate from other personnel file information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: The Americans with Disabilities Act of 1990, 42 U.S.C. §12101m et seq. 29 C.F.R. §1630; G.S. 130A, Article 6; 10A N.C.A.C. 41A.0101 *et seq.*

Cross References: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted:

Revised: January 22, 1999; March 25, 2002; May 1, 2006