

## **COMMUNICABLE DISEASES – EMPLOYEES**

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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 will be made 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 (usually a virus or bacterium), or its toxic products, which is transmitted directly, or indirectly to a person from an infected person or animal.

A “communicable condition” exists if a person is infected with a communicable agent but does not have symptoms.

A “reportable disease or condition” is defined as a communicable disease or condition declared to be dangerous to the public health and required by the N.C. Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

### **B. REPORTING AND CONFIDENTIALITY REQUIREMENTS**

#### 1. Principal’s Report to Health Department

In accordance with G.S. 130A-136, principals are required to report suspected cases of reportable communicable diseases or conditions to the country health director for investigation, along with any information forming the basis for the suspicion.

Confidentiality of such reports is protected by law. Principals are immune from liability under state law for making such reports in good faith.

#### 2. Confidentiality

Employees who become aware of another employee’s reportable disease or condition may not share that information with anyone, including other school personnel, unless specifically permitted to do so by the health director, by written consent of the affected employee, or by other applicable state or federal laws or regulations. The release of

confidential information or records relating to an employee's reportable disease or condition, except as permitted by law, is a misdemeanor and may subject the employee to discipline up to and including dismissal.

## **C. 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, will be distributed by the administration and will be followed by all school district employees. In addition, the school district will have in effect a bloodborne pathogens exposure control plan that will contain 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 will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Faculty should not allow students to be involved in the handling, disposal, or cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are 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 human resources any failure by a staff member or a student to follow the universal precautions, including their own.

### **2. FOLLOWING HEALTH CONTROL MEASURES FOR COMMUNICABLE DISEASES**

Employees shall follow all measures to control the spread of communicable disease as directed by the state or local health department. 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.

### **3. 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 will cooperate with the health director in eliminating the threat.

## **D. EMPLOYMENT STATUS OF EMPLOYEE**

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. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition; or
- b. believes that 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

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 will 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 will decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of 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 will 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, 42 U.S.C. §12101m et seq. 29 C.F.R. pt. §1630; G.S. 130A, Article 6; 10A.N.C.A.C.41A.0101 *et seq.*

Cross Reference: Communicable Diseases-Students (policy 4230), Occupational Exposure to Bloodborne Pathogens (policy 7260)

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