

**ALL PERSONNEL****Employees with Infectious Disease**

The Superintendent recognizes that each employee must be physically and mentally able to perform the duties and responsibilities of his/her position. The Superintendent also fully recognizes that reasonable actions must be taken to protect the safety and welfare of students, employees, and visitors in schools and programs operated by the Office of Education.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

The Superintendent encourages each employee to inform the Office of Education as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Superintendent will reasonably accommodate the needs of such individuals.

The Superintendent may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or noncasual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians

with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

The Superintendent's actions with regarding to reasonable accommodation and/or job assignment shall be based on the findings of this report.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

### Confidentiality

The Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The Office of Education shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

### Prevention and Control of Infectious Diseases

It is the intent of the Superintendent to cooperate with local health authorities, other governmental agencies, school and community college districts, employees, students, parents/guardians, and community members to promulgate educational material, inservice training, and recommend procedures for the prevention and control of severe communicable, contagious, or infectious diseases.

The Superintendent or designee shall be the authorized spokesperson in matters relating to severe communicable, contagious, or infectious diseases of employees in offices, schools, and programs operated by the Office of Education. The Office of Education shall take steps to ensure:

1. Confidentiality of medical information, as required by law.
2. Rights to privacy for the individual, as required by law.
3. Due process for the individual, as required by law.
4. Dissemination of preventive disease control information and resources.
5. Inservice training in disease prevention techniques.
6. Implementation of precautionary procedures for the prevention and control of communicable, contagious, or infectious disease.

This policy will also be applied before any applicant who is known to have an infectious disease is rejected for employment by reason of that infectious disease.

*Legal Reference:*

*EDUCATION CODE*

*44839 Medical certificate; periodic medical examination*

*49406 Examination for tuberculosis (employees)*

*CIVIL CODE*

*56-56.37 Confidentiality of medical information*

*GOVERNMENT CODE*

*12900-12996 Fair Employment and Housing Act*

*HEALTH AND SAFETY CODE*

*120975-121020 Mandated blood testing and confidentiality to protect public health*

*CODE OF REGULATIONS, TITLE 2,*

*7293.5 -7294.2 Discrimination based on disability*

*CODE OF REGULATIONS, TITLE 5*

*5502-5504 Medical certification*

*CODE OF REGULATIONS, TITLE 17*

*2500 Reportable diseases and conditions*

*2508 Reporting of communicable diseases; duty of schools*

*UNITED STATES CODE, TITLE 29*

*794 Section 504 of the Rehabilitation Act of 1973*

*UNITED STATES CODE, TITLE 42*

*12101-12213 Americans with Disabilities Act*