

Policy 4219.41: Employees With Infectious Disease

Status: ADOPTED

Original Adopted Date: 06/01/1988 | **Last Revised Date:** 07/01/2012 | **Last Reviewed Date:** 07/01/2012

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

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.

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.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

Nondiscrimination/Reasonable Accommodation

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to

perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

State	Description
17 CCR 2500-2511	Communicable disease reporting requirements
2 CCR 7293.5-7294.2	Discrimination based on disability
5 CCR 5502-5504	Medical certification
Civ. Code 56-56.37	<u>Confidentiality of medical information</u>
Ed. Code 44839	<u>Medical certificate; periodic medical examination</u>
Ed. Code 44839.5	<u>Requirements for employment of retirant</u>
Ed. Code 49406	<u>TB risk assessment</u>
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
H&S Code 120975-121023	<u>Mandated blood testing and confidentiality to protect public health</u>
Federal	Description
29 USC 794	Rehabilitation Act of 1973; Section 504
42 USC 12101-12213	Americans with Disabilities Act
Management Resources	Description
California Department of Public Health Publication	California HIV/AIDS Laws, 2009, January 2010
Court Decision	School Board of Nassau County, Florida v. Arline (1987) 408 U.S. 273
Court Decision	Chevron USA v. Echazabal (2002) 536 U.S. 73, 122 S.Ct. 2045
CSBA Publication	H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
CSBA Publication	Pandemic Influenza, Fact Sheet, September 2007
EEO Commission Publication	Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>U.S. Department of Health and Human Services</u>
Website	<u>California School Nurses Organization</u>
Website	<u>Centers for Disease Control and Prevention</u>
Website	<u>CSBA</u>
Website	<u>California Department of Public Health</u>
Code	Description
3516	<u>Emergencies And Disaster Preparedness Plan</u>
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4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4032	<u>Reasonable Accommodation</u>
4112.4	<u>Health Examinations</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.43	<u>Universal Precautions</u>
4119.43	<u>Universal Precautions</u>
4131	<u>Staff Development</u>
4157	<u>Employee Safety</u>
4157	<u>Employee Safety</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4212.4	<u>Health Examinations</u>
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4231	<u>Staff Development</u>
4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4312.4	<u>Health Examinations</u>
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
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4319.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4331	<u>Staff Development</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4361.1	<u>Personal Illness/Injury Leave</u>
5112.2	<u>Exclusions From Attendance</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>
5113.1	<u>Chronic Absence And Truancy</u>
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5141.22	<u>Infectious Diseases</u>
5141.22	<u>Infectious Diseases</u>
5141.31	<u>Immunizations</u>
5141.31	<u>Immunizations</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>