



Boulder Valley School District
File: GBE-R
Adopted: April 23, 1992

STAFF HEALTH AND SAFETY ADMINISTRATIVE PROCEDURES FOR DEALING WITH EMPLOYEES WITH COMMUNICABLE AND/OR LIFE-THREATENING DISEASES

Health Education

Accurate information regarding medical conditions is essential for administrators to make good judgments and provide appropriate responses to an ill employee and the school community. The Human Resources Division will obtain and disseminate, as appropriate, information from public health officials regarding communicable and/or life-threatening diseases.

Reporting Responsibilities

In specific cases of an employee afflicted with a serious communicable or life-threatening disease, the Superintendent will serve as the contact person for the employee, his or her supervisor, and co-workers for information and resource persons/agencies to address concerns related to the employee's condition.

Identification of Ill Employees

Communicable diseases may be divided into two categories, those that are readily transmissible in the school environment and those that are not. Readily transmissible diseases include influenza, common colds, and other respiratory infections. Although the incidence of serious or life-threatening illnesses that are readily transmissible in the school environment is quite low, diseases that are transmitted by airborne droplet, such as measles, *active* tuberculosis, and whooping cough (pertussis), can pose a serious threat to the health of other employees and students.

Employees with influenza, common colds, or other easily transmissible minor respiratory infections are encouraged to take appropriate medical leave to avoid further spread of such infections. Employees afflicted with a serious, readily transmissible disease or condition are encouraged to self-report the existence of the condition or illness.

If a supervisor or other employee receives information that an employee is affected by a serious communicable and/or life-threatening disease or condition, the supervisor or employee will immediately notify the Superintendent. The Superintendent will contact appropriate public health officials to determine what measures, if any, are required to

protect the safety and health of the employee, other employees, and students.

Determination of Fitness for Continued Duty

If there are indications that the employee's disease or condition prevents the employee from performing essential job functions or poses a direct threat to the health or safety of students or other employees, based on consultation with public health officials and other medical professionals, the Superintendent may require that the employee submit to an appropriate medical examination. The cost of this required examination will be paid by the District (Board of Education Policy GBE). This examination will include appropriate medical tests and additional documentation of the staff member's condition relative to fitness for employment involving contact with students and other employees and his or her ability to carry out assigned duties. Where the medical tests reflect the existence of a communicable disease, the determination whether the employee is otherwise qualified for duty must be based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long is the carrier infectious), (c) the severity of the risk (what is the potential harm to third parties), and (d) the possibility the disease will be transmitted and will cause varying degrees of harm.

During the time in which medical examination and determination of fitness for employment are being conducted, the employee may be placed on administrative leave with pay by the Superintendent. The suspension of employment will remain in force until the issues prompting the suspension have been resolved.

Where the employee meets the definition under Section 504 of the Rehabilitation Act of a "handicapped individual" or an "individual with a disability" under the Americans with Disabilities Act, and where the employee is otherwise qualified as defined by those Acts, the District will make reasonable accommodations that will permit the employee to perform the essential functions of the job.

Provision for Return to Duty

If an employee afflicted with a communicable disease of a serious nature no longer poses a direct threat to the health or safety of others and is determined to be capable of performing the essential functions of the position without posing a direct threat to his or her own health or safety, the Superintendent will determine whether other District staff have a need to know of the employee's condition and which staff members should be so informed. Such determinations will be based on reasonable medical judgments. The employee's supervisor may be informed regarding necessary restrictions and reasonable accommodations to be observed in the work setting. A regular schedule of medical examinations may be required pursuant to policy.

Provision for Discontinuation of Employment

If an employee is determined to be unfit for continued duty (*i.e.*, incapable of performing the essential functions of the position or poses a direct threat to the health or safety of him or herself or to others), he or she will be entitled to use of accumulated sick leave and medical leave as outlined in policy and negotiated agreements.

If all sick leave options are exhausted and the employee is not deemed fit to resume duties, employment will be terminated through the employee's resignation/retirement or Board of Education action including initiation of dismissal proceedings. Proceedings to dismiss an employee for reasons of medical disability shall comply with the requirements of Colorado and federal law, relevant District policies, and applicable negotiated agreements.

All information regarding an employee's medical condition shall be collected on separate forms and maintained in a separate file and shall be treated as confidential medical information. Identity of an employee afflicted or suspected to be afflicted with a contagious disease shall be strictly confidential. Medical information will be disclosed only in accordance with the procedures set out in this policy and when authorized by the Superintendent. Only the Superintendent can speak for the District regarding these matters.

End of File: GBE-R