Employees with Infectious Diseases

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 non-casual 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)
Employees with Infectious Diseases (Cont.)

(c.f. 5141.6 - School Health Services)

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)

(c.f. 4030 - Nondiscrimination in Employment)
(c.f. 4031 - Complaints Concerning Discrimination in Employment)

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.

(c.f. 4032 - Reasonable Accommodation)

Legal Reference:
EDUCATION CODE
44839 Medical certificate; periodic medical examination
44839.5 Requirements for employment of retirent
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
COURT DECISIONS
Management Resources:
CSBA PUBLICATIONS
H1N1 Influenza (Swine Flu), Fact Sheet, April 2009
Pandemic Influenza, Fact Sheet, September 2007
Employees with Infectious Diseases (Cont.)

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
California HIV/AIDS Laws, 2009, January 2010

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

WEB SITES
CSBA: http://www.csba.org
California Department of Public Health: http://www.cdphe.ca.gov
California School Nurses Organization: http://www.csno.org
Centers for Disease Control and Prevention: http://www.cdc.gov
U.S. Department of Health and Human Services: http://www.hhs.gov

Adopted: 12/20/06
Amended: 12/19/12