

**BILLINGS PUBLIC SCHOOLS  
HUMAN RESOURCE SERVICES**

**5011-R**  
Page 1 of 2

**Staff Health- and Communicable Diseases-  
Procedure**

The following procedures will be used to implement the Staff Health and Communicable Diseases Policy and will be followed whenever a staff member is seriously ill and the illness is affecting the employee's ability to perform the essential duties of the job or is posing a direct threat to the health and safety of others.

A. REPORTING SUSPECTED OR CONFIRMED CASES

The Board will designate a school official or staff member as the person responsible for coordinating the School District's effort to implement the provisions of the Staff Health and Communicable Diseases Policy. For purposes of these procedures, the designated responsible school official or staff member will be referred to as the "school officer."

It is improper for any employee who has knowledge or reasonable grounds to suspect that he/she is infected with a communicable disease to willfully expose or infect another with such a disease or to knowingly perform an act or engage in conduct which exposes or infects another person with such a disease.

If a supervisor has been informed that an employee is afflicted with an illness which is interfering with job performance or posing a direct threat to the health and safety of others, the supervisor will notify the school officer immediately. The school officer will confer individually with the supervisor and the staff member to assess the situation.

A. EVALUATION OF EMPLOYMENT STATUS SPECIFIC TO HIV

HIV is not readily transmitted; therefore, HIV infection is not a reason to remove a staff member from school. In the event an employee discloses to the school officer that he/she is infected with HIV, the school officer, after consulting with the public health officials, will determine whether the HIV-infected employee has a secondary infection (such as active tuberculosis) that constitutes a recognized risk of transmission in the school setting.

If the employee has no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the infected employee's job assignment will not be altered unless a reassignment is requested by the employee as a reasonable accommodation.

If there is a secondary infection that constitutes a medically recognized risk of transmission in the school

**BILLINGS PUBLIC SCHOOLS**  
**HUMAN RESOURCE SERVICES**

**Staff Health and Communicable Diseases –**  
**Procedure**

setting, the school officer will consult with the employee's primary care provider, public health officials and the infected employee to develop, if necessary, an individually tailored plan for the employee. Additional persons may be consulted if this is essential for gaining additional information but the infected employee must give consent to the notification of any additional persons who would know the identity of the infected employee.

When an employee is determined to be unfit for continued duty because he/she is incapable of performing the essential functions of the job with or without reasonable accommodation or poses a direct threat to the health or safety of the employee or others, he/she will be entitled to use any accumulated paid leave and leave without pay in accordance with Board policies.

When an employee has exhausted all leave options and is deemed unfit to resume duties, employment will be terminated through the employee's resignation, retirement or dismissal in accordance with applicable Board policies and state law.

C. CONFIDENTIALITY

Only those persons with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining work place accommodation for the employee) will be provided with necessary medical information.

Supervisors and managers may be informed of the necessary restrictions on the work or duties of the employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.

NOTE: For purposes of this procedure, the term "communicable disease" refers to the diseases identified in ARM 16.28.202 Reportable Diseases, with the exception of common colds and flu.

Legal References: 41 U.S.C. 12101 et.seq., Americans With Disabilities Act  
20-4-201, et.seq., MCA Teacher Employment  
49-2-101, MCA Illegal Discrimination 49-3-101, MCA Governmental Code of Fair Practices  
50-16-1001, et.seq., MCA AIDS Education and Prevention, AIDS Prevention Act

Date Adopted: June 30, 1996