STAFF HEALTH AND SAFETY

(Employees with Communicable and/or Life Threatening Diseases)

The following procedures shall be followed when evaluating the employment status of an employee with a serious disease that is readily transmissible in the school environment, such as measles or active tuberculosis or life threatening diseases that are not readily transmissible in the school environment such as human immunodeficiency virus (HIV) or hepatitis.

These procedures shall apply whenever a school official has reasonable cause to suspect that a staff member is seriously ill. Reasonable cause may exist in, but not be limited to, situations where the employee's health is observed to be deteriorating to the point of interfering with the performance of the employee's duties, when the employee displays persistent physical symptoms of illness, or where there is similar reasonable evidence of such disease.

REPORTING SUSPECTED OR CONFIRMED CASES

The director of human resources shall be the staff member responsible for coordinating the district's effort to evaluate the employment status of an employee in accordance with these procedures. For purpose of these procedures, the director of human resources shall be referred to as the "school officer."

It is improper for any employee who has knowledge or reasonable grounds to suspect that he or 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. Any staff member afflicted with a long-term communicable disease is encouraged to report this fact directly to the school officer.

If a supervisor has been informed or has reasonable cause to believe that an employee has an illness which is interfering with job performance or posing an unacceptable health risk to the employee or others, the supervisor shall notify the school officer immediately. The school officer shall confer individually with the supervisor and the staff member.

MEDICAL EXAMINATION

If the school officer has reason to believe that an employee's physical or mental health or condition poses a direct threat to the health and welfare of students or other employees, based on consultation with public health officials and other medical professionals, or that the employee's health or condition prevents the employee from performing essential job functions, the school officer may require that the employee submit to a medical examination in accordance with Board policy. The examination will include appropriate medical tests and additional documentation of the staff member's condition as it relates to the employee's ability to carry out assigned duties that involve contact with students and other employees. 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 cause varying degrees of harm.

EVALUATION OF EMPLOYMENT STATUS

During the time in which medical examination and determination of fitness for duty are being considered, the employee may be placed on administrative leave with pay until a determination is made as to the potential risks of transmission of the disease in the school environment and of the employee's ability to continue to perform services for the district. The leave will continue until all

issues regarding employment have been resolved.

The employee will be allowed to return to work only upon documented medical evidence that the employee's presence does not pose a direct threat to the health and safety of students or other employees and that the employee is otherwise qualified for duty.

A recommendation concerning the employee's ability to continue work will be made by the school officer. The recommendation will be based primarily on medical reports regarding the condition of the employee. The school officer shall consider:

1. The type of duties and interaction in the work place required of the employee in performance of the employee's assignment.

2. The impact of continued employment on both the affected employee and others in the work place.

3. 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 shall make reasonable accommodations that will permit the employee to perform the essential functions of the job.

In determining fitness for commencing or returning to work, the school officer may require that the written medical report required under these procedures be submitted by the employee's physician to a public health official familiar with communicable diseases who will review the case with the attending physician. The public health officer will then state in writing to the school district whether the official agrees or disagrees with the report.

Upon receipt by the school officer of the attending physician's report and the public health official's statement, the school officer will schedule a conference with the physicians and other licensed health care professionals involved and the employee's supervisor to discuss the staff member's ability to return to work.

The school officer will consult the communicable disease control officer at the Colorado Department of Health if conflicting medical opinions are given by the attending physician and public health official. Such consultation shall be made without revealing the employee's identity.

The school officer will be entitled to consult with any other professionals the officer considers necessary to consider fully all aspects of the recommendation. Such consultation shall be made without revealing the employee's identity.

The recommendation will be submitted to the superintendent for review and a decision as to the course to be pursued within the policy.

RETURN TO DUTY

If the employee is determined fit for continued employment, the supervisor will be informed of the accommodations or precautions necessary to enable the staff member to continue to work. The school officer will determine whether anyone else needs to be informed of the employee's medical condition and the precautions to be observed in the work setting to protect the safety and health of the employee and others. Such determinations shall be based upon reasonable medical judgments.

The employee's condition will be re-evaluated on a regular basis at the request of the district.

If an ill staff member is determined to be unfit for continued duty (i.e., incapable of performing the essential functions of the job with reasonable accommodation or poses a direct threat to the health and safety of his/herself or others), the employee may use available leave benefits and/or request an extended leave in accordance with Board policies.

If all leave options are exhausted and the employee is not deemed fit to resume duties, the superintendent may recommend that the Board of Education take appropriate steps to terminate the staff member's employment, consistent with the requirements of state and federal laws, Board policy and applicable negotiated agreements.

CONFIDENTIALITY

All information gained by the district through the application of this policy and procedures, including the identity of an employee affected by a life-threatening and/or communicable disease, shall be treated as confidential. 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 or director of human resources may speak for the district regarding these matters.

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