



GBGA-R - STAFF HEALTH

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 Personnel Services Department 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 inflicted with a serious communicable or life-threatening disease, the superintendent or designee 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.

An employee is encouraged to report his or her suspected or confirmed case of readily transmissible diseases, including a suspected or confirmed case of Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) to a supervisor.

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, the supervisor or employee will

immediately notify the superintendent. The superintendent or designee 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 is reasonable cause to believe that the employee's physical, mental, or emotional health is preventing the employee from performing essential job functions or poses a direct threat to the health or safety of students or other employees, 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. 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 tests reflect the existence of a communicable disease, the inquiry regarding the staff member's fitness for duty should include a determination 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 (the length of time the carrier is 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 the examination and determination of fitness for employment are being conducted, the employee may be suspended with pay by the superintendent. The suspension of employment will remain in force until the issues prompting the suspension have been resolved.

Recommendations regarding the employee's fitness for continued duty and contact with students and other staff will be made on a case-by-case basis by the superintendent. The recommendations will be based on:

1. Professional reports regarding the condition of the employee;
2. The type of duties and interactions required of the employee in performance of his or her assignment in the workplace; and
3. The impact of continued employment on the affected employee and/or others in the workplace.

Input from public health officials should be sought and considered.

Where the staff member 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, or an "individual with a serious medical condition" under the Family and Medical Leave Act, and where the staff member is otherwise qualified as defined by these Acts, the district will make reasonable accommodations to allow the staff member to continue in his or her employment.

PROVISION FOR RETURN TO DUTY

If a staff member afflicted with a serious medical condition 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, the superintendent will determine whether, based on reasonable medical judgments, other district staff have a need to be informed of the employee's condition and which staff members should be so informed. The employee's supervisor may be informed regarding necessary restrictions and reasonable accommodations to be observed in the work setting, and any factors that would warrant the reconsideration of continued duty. A regular schedule of examinations may be required pursuant to policy.

The superintendent will review each communicable disease, including each case of HIV and/or AIDS, at least once a month to ascertain whether significant changes exist to alter the recommended employment placement and will maintain liaison with the employee and his or her physician. If any change is deemed necessary, the superintendent will consider a new recommendation.

If an ill staff member is determined to be unfit for continued duty (i.e., incapable of performing the essential functions of the position with reasonable accommodation or posing a direct threat to the health of safety or himself or herself or others), he or she will be entitled to use of available leave provisions, as applicable.

If all applicable leave options are exhausted and the employee is not deemed able 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 and relevant district policies.

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