

PERSONNEL-ALL PERSONNEL

SUBJECT: Employees with Infectious Disease

The Superintendent encourages each employee to inform the County Office of Education as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Superintendent will reasonably accommodate the needs of such individuals.

The Superintendent may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

The Superintendent may then convene a medical review panel, which shall consist of a public health physician who possesses expertise in the diagnosis and treatment of infectious disease, the employee's physician, the employee and/or employee representative, and the Superintendent or designee. No exclusion or modification in the employee's job duties or assignments shall be made without a recommendation, on a case-by-case basis, by this medical review panel.

To determine whether the employee should continue working in his/her present capacity, including whether the employee can perform the essential requirements of the job with reasonable accommodations and without posing a significant health risk to others, the panel shall weigh the following factors.

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk.
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition.
3. The actual requirements of the employee's job and the expected type of interaction with others in the work setting.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The County Office of Education shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

(cf. 0410 Nondiscrimination in Programs and Activities)

(cf. 4030 Nondiscrimination in Employment)

(cf. 4112.4-4212.4/4312.4 - Health Examinations)

(cf. 4161.1-4361.1 Personal Illness and Injury Leave)

(cf. 4261.1 Personal Illness and Injury Leave)

Legal Reference:

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 et seq.

REHABILITATION ACT OF 1983, 29 U.S.C. 701 et seq.

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.

School Superintendent of Schools of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)