

COMMUNICABLE DISEASES - EMPLOYEES

The school district recognizes that some employees with a communicable disease, as defined by law, may be able to attend to their customary employment duties without creating a risk of transmission of the illness to the students or other employees. The district also recognizes that there may be a greater risk of transmission of some communicable diseases for some employees with certain conditions than for other employees infected with the same disease.

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk and/or direct threat of illness or transmission to students or other employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law. A "direct threat" occurs when an individual poses a significant risk of substantial harm to himself/herself or others and the risk cannot be reduced below the direct threat level through reasonable accommodations.

An employee who is at work and who has a communicable disease that poses a direct threat, as defined above, shall report the condition to the superintendent any time the employee is aware that the employee's condition poses a direct threat. Any individual who has information that a school district employee may have a communicable disease is encouraged to report the information to the superintendent.

Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

The superintendent or his/her designee shall determine on a case-by-case basis whether the presence of an employee with a communicable disease in the school district environment constitutes a direct threat. In making this determination, the superintendent shall consider credible, objective evidence. If the superintendent, after reviewing the credible, objective evidence, determines the employee's presence may constitute a direct threat, the superintendent may request additional medical information from the employee's physician (with the employee's consent), a physician chosen by the school district or public health officials, to confirm the superintendent's determination.

The health risk to immune-depressed employees shall be determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease shall be determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

Legal Reference: School Board of Nassau County v. Arline, 480 U.S. 273 (1987).
 29 U.S.C. §§ 794, 1910 (2012).
 42 U.S.C. §§ 12101 *et seq.* (2012).
 45 C.F.R. Pt. 84.3 (2012).
 Iowa Code chs. 139(a); 141(a) (2013).
 641 I.A.C. 1.2-.7.

Cross Reference: 401.5 Employee Records
 403.1 Employee Physical Examinations
 507.3 Communicable Diseases - Students

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