

## COMMUNICABLE DISEASES - EMPLOYEES

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 as determined by the employee's or District's physician. The term "communicable disease" will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law. The term "direct threat" will mean that an individual poses a significant risk of substantial harm to him/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/designee 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/designee.

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.

The Superintendent/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/designee will consider credible, objective evidence. If the Superintendent/designee, after reviewing the credible, objective evidence, determines the employee's presence may constitute a direct threat, they 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/designee's determination.

Upon order of the Iowa Department of Health or local board of health, an individual with a suspected or active quarantinable disease shall not attend the workplace or school and shall not be present at other public places until the individual receives the approval of the department or a local board of health to engage in such activity. Upon order of the department or local board of health, employers, schools and other public places shall exclude an individual with a suspected or active quarantinable disease. An individual may also be excluded from other premises or facilities if the department or local board of health determines the premises or facilities cannot be maintained in a manner adequate to protect others against the spread of disease.

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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. Health data of employees is confidential and will not be disclosed to third parties. Employee medical records are kept in a file separate from their personal file.

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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