

Personnel

EMPLOYEES WITH INFECTIOUS DISEASES

SP 4123.00

The County Superintendent encourages employees to inform the County Office of Education of any illness that represents a disability as soon as they learn of their condition. No employee who is otherwise qualified to work may be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

The County Superintendent desires to accommodate the needs of such individuals. The County Superintendent may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or whose illness endangers his/her health or the health of others.

Employees with AIDS

When informed that an employee has contracted AIDS, the County Superintendent shall request that the employee sign a release form to provide confidential medical information and records to a medical-review panel.

The County Superintendent shall then convene the panel, consisting of a public health physician who possesses expertise in the diagnosis and treatment of infectious disease, the employees physician, the employee and/or employee representative, and the County Superintendent or designee. No exclusion or modification in the employees job duties or assignment shall be made without a recommendation, on a case-by-case basis, by the panel.

To determine whether the employee should continue workings 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 requirements of the job and the expected type of interaction with others in the school setting.

A report containing the panels recommendation shall be forwarded to the County Superintendent for review and final action.

The condition and job assignment of the employee shall be reevaluated on a regular basis. The panel shall reconvene whenever there are changes in the state of medical knowledge about AIDS or changes in the employees medical regiment or health status that might affect his/her assignment.

Confidentiality

The County Superintendent shall ensure that all employees 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. Any employees medical records shall be held in strict confidence, and only those persons with a clear need to know shall be informed of the employees health condition.

Legal Reference:

HEALTH AND SAFETY CODE

199.20-199.27 Mandated blood testing and confidentiality to protect public health

SCHOOL BOARD OF NASSAU COUNTY, FLA. V ARLINE

107 S. CT. 1123, 1987

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING V. RAYTHEON

COMPANY

FEHC DEC. NO. 83-12, May 28, 1987

CHALK V. U.S. DISTRICT COURT

MENDOCINO COUNTY OFFICE OF EDUCATION

Date Adopted: 10/31/2000

Date Revised: 09/15/2003