

**EMPLOYEES WITH INFECTIOUS DISEASE**

The Governing Board desires to promote the health of district students and staff in order to reduce absenteeism and enhance employee and student performance. The Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at district schools.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, blood-borne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the district's emergency preparedness plan.

The Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in 17 CCR 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer. (17 CCR 2500, 2508)

**NONDISCRIMINATION/REASONABLE ACCOMMODATION**

The district shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act. (Government Code 12900-12996; 29 USC 794; 42 USC 12101-12213)

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of his/her position in accordance with the criteria and processes described in AR 4032 - Reasonable Accommodation.

**LEGAL REFERENCE****EDUCATION CODE**

44839 Medical certificate; periodic medical examination  
44839.5 Requirements for employment of retirant  
49406 Examination for tuberculosis (employees)

### **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**

7293.5-7294.2 Discrimination based on disability

### **CODE OF REGULATIONS, TITLE 5**

5502-5504 Medical certification

### **CODE OF REGULATIONS, TITLE 17**

2500 Reportable diseases and conditions  
2508 Reporting of communicable diseases; duty of schools

### **UNITED STATES CODE, TITLE 29**

794 Section 504 of the Rehabilitation Act of 1973

### **UNITED STATES CODE, TITLE 42**

12101-12213 Americans with Disabilities Act

### **COURT DECISIONS**

Chevron USA v. Echazabal, (2002) 536 U.S. 73, 122 S.Ct. 2045  
School Board of Nassau County, Florida v. Arline, (1987) 408 U.S. 273

### **MANAGEMENT RESOURCES**

### **CSBA PUBLICATIONS**

H1N1 Influenza (Swine Flu), Fact Sheet, April 2009  
Pandemic Influenza, Fact Sheet, September 2007

### **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS**

California HIV/AIDS Laws, 2009, January 2010

### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

### **WEBSITES**

CSBA: <http://www.csba.org/>  
California Department of Public Health: <http://www.cdph.ca.gov/>  
California School Nurses Organization: <http://www.csno.org/>  
Centers for Disease Control and Prevention: <http://www.cdc.gov/>  
Equal Employment Opportunity Commission: <http://www.eeoc.gov/>  
U.S. Department of Health and Human Services: <http://www.hhs.gov/>