

## **Staff Health**

(Staff Members with HIV/AIDS/Communicable Diseases)

The following procedures shall be followed when evaluating the employment status of an employee infected with human immunodeficiency virus (HIV) including those staff members diagnosed as having Acquired Immune Deficiency Syndrome (AIDS) and those suspected of being infected with HIV.

These procedures shall also apply whenever a school official has reasonable cause to suspect that a staff member is seriously ill and the illness is affecting the employee's ability to perform job responsibilities or poses an unacceptable risk or direct threat to the health and safety of the employee or others. Reasonable cause may exist in but not be limited to situations where the employee's health is observed to be deteriorating to the point of interfering with the performance of their duties, when the employee displays persistent physical symptoms of illness, or where there is similar reasonable evidence of such disease.

### **Reporting suspected or confirmed cases**

The Assistant Superintendent of Human Resources will be the staff member responsible for coordinating the District's effort to evaluate the employment status of an employee in accordance with these procedures. For purpose of these procedures, the Assistant Superintendent of Human Resources will be referred to as the "school officer."

It is improper for any employee, who has knowledge or reasonable grounds to suspect that he/she is infected with a communicable disease, to willfully expose or infect another with such a disease or to knowingly perform an act or engage in conduct which exposes or infects another person with such a disease.

Any staff member infected with a serious, readily-transmissible communicable disease or HIV is encouraged to report this fact directly to the school officer.

If a supervisor has been informed or has reasonable cause to believe that an employee has an illness which is interfering with job performance or posing an unacceptable health risk or direct threat to the employee or others, the supervisor will notify the school officer immediately. The school officer shall confer individually with the supervisor and the staff member.

### **Medical examination**

If there is reason to believe that an employee's physical or mental health is detrimental to the welfare of students or others, the school officer may require that the employee submit to a medical examination in accordance with Board policy. The examination will include appropriate medical tests and additional documentation of the staff member's condition as it relates to their ability to carry out assigned duties which involve contact with student and other employees.

### **Evaluation of employment status**

HIV infection is not transmitted casually; therefore, it is not itself a reason to remove a staff member from school. The school officer will determine whether the person who is infected with HIV has a secondary infection such as active tuberculosis that constitutes a recognized

risk of transmission in the school setting. This is a medical question which the school officer will answer by consulting with the infected person's physician, a qualified public health official who is responsible for such determinations, and the infected person.

If there is no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the infected person's job assignment will not be altered unless a reassignment is requested as a reasonable accommodation.

An employee who is identified as having a serious, readily-transmissible communicable disease will be placed on administrative leave with pay until a determination is made as to the potential risks of transmission of the disease in the school environment and of their ability to continue to perform services for the District. In determining the appropriate response, the District shall consider the most current and reliable medical information available, with particular reference to the dangers of increased risk of transmission to others, and the health risk to the employee as well as the expected type of interaction with others. The leave will continue until all issues regarding employment have been resolved.

The employee will be allowed to return to work only upon documented medical evidence that their presence poses no significant increased risk of infection to themselves, their coworkers or students.

A recommendation concerning the employee's ability to continue to work will be made by the school officer. The recommendation will be based primarily on medical reports regarding the condition of the employee. The medical evaluation will consider:

1. The type of duties and interaction in the workplace required of the employee in the performance of their assignment
2. The impact of continued employment on both the affected employee and others in the workplace

The written medical report required under these procedures must be submitted by the employee's physician to a public health official familiar with communicable disease who will review the case with the attending physician. The public health officer then will state in writing to the District their concurrence or nonconcurrence with the report.

Upon receipt by the school officer of the attending physician's report and the public health official's statement, the school officer will schedule a conference with the medical doctors involved and any necessary school personnel to discuss the staff member's ability to return to work.

The school officer will consult the communicable disease control officer at the Colorado Department of Health if conflicting medical opinions are given by the attending physician and public health official.

The school officer will be entitled to consult with any other professionals they consider necessary to consider fully all aspects of the recommendation.

The recommendation will be submitted to the Superintendent for review and a decision as to the course to be pursued within the policy.

The District will consider reasonable accommodations in the employment of the affected employee pursuant to Section 504 of the Rehabilitation Act when applicable. In appropriate circumstances, the District will evaluate the possibility of reassigning the employee to another position within the District if such reassignment would result in the employee's being able to return to work.

### **Return to duty**

If an employee is determined to be fit for continued employment, the supervisor will be informed of the employee's accommodations or precautions necessary to enable the staff member to continue to work. The school officer will determine anyone else who needs to be informed of the employee's medical condition and the precautions to be observed in the work setting.

The employee's condition will be re-evaluated on a regular basis at the request of the District.

### **Termination of employment**

When an employee is determined to be unfit for continued duty because it has been determined that the employee is incapable of performing the essential functions of the position or poses a direct threat to the health or safety of himself/herself or others, the employee will be entitled to use accumulated leave in accordance with Board policy.

When an employee has exhausted all leave options and is deemed unfit to resume duties, the Superintendent will recommend that the Board take appropriate steps to terminate the staff member's employment through the employee's resignation, retirement or dismissal in accordance with the requirements of state and federal law, Board policy and applicable negotiated agreements.

### **Confidentiality**

All information gained by the District through the application of the accompanying policy and these procedures, including the identity of an employee affected with HIV, shall be treated as confidential. Information will be disclosed only as appropriate in connection with these procedures.

Persons who may know the identity of a staff member infected with HIV are those who, with the infected person, will determine whether the person has a secondary infection that constitutes a medically recognized risk of transmission in the school setting. They are the school officer, the personal physician of the infected person, and a public health official who may be able to study the facts of the case sufficiently without needing to know the identity of the staff member to make a decision. The decision makers listed above and the infected person will determine whether additional persons such as the school nurse or principal need to know that an infected person works at a specific school. The additional persons will not know the name of the infected person without this person's consent.

All persons shall treat all medical information as highly confidential. No information will be divulged directly or indirectly to any other individuals or groups. All medical information and written documentation of discussions, telephone conversations, proceedings and meetings

will be kept by the school officer in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected staff member.

To further protect confidentiality, names will not be used in documents except when essential. Any document containing the name or any other information that would reveal the identity of the infected person will not be shared with any person, not even for the purposes of word processing or reproduction.

Approved September 9, 1987

Revised November 17, 1993

Revised June 11, 2008

St. Vrain Valley School District RE-1J, Longmont, Colorado