

**EMPLOYEE HEALTH AND SAFETY
(COMMUNICABLE DISEASES)**

POLICY STATEMENT

- A. The District shall cooperate with state and/or local public health agencies in establishing and maintaining appropriate health standards for the school environment, promoting the good health of staff and educating staff in disease prevention methods and sound health practices.
- B. If there is reasonable cause to believe that an employee has a communicable disease that could be detrimental to the health of the employee or others in the school environment, the District Administrator, or designee, may require the employee to submit to a physical examination. A physician's statement indicating whether the employee is in suitable condition to continue working may be required. The District Administrator, or designee, may also consult with state and/or local public health officials concerning the employee's health status and obtain recommendations which will help the District maintain a safe and healthful school environment.
- C. An employee shall be excluded from school if his/her health status poses a significant health risk to others or renders the employee unable to adequately perform his/her job duties and responsibilities. Employees shall be excluded from school in accordance with established procedures. Exclusion may be for a short or long-term period, depending upon the individual case.
- D. The District recognizes that an individual's health status is personal and private. The District will handle information regarding employees with suspected or confirmed communicable disease in accordance with state and federal laws concerning confidentiality.

POLICY PROCEDURE

- A. Each new employee shall provide evidence that he/she is free of communicable disease within 90 days of employment (SS 118.25 and SS 143.17).
- B. It is recommended that employees have physical examinations every five years until age 40; and, employees have physical examinations every three years after age 40.
- C. Positive TB skin test reactors provide evidence that they are free of communicable disease every three years.
- D. Employees who are diagnosed as having a communicable disease that poses a significant risk of transmission to others in the school environment or renders them unable to adequately perform their job duties and responsibilities shall be excused from work. The length of time an employee is excused shall vary depending upon the individual case.
- E. The determination as to whether or under what circumstances an employee's communicable disease poses a significant health risk to others in the school environment or makes adequate performance impossible shall be made by the District Administrator, or designee, in consultation with local and/or state public health officials.

- F. Before making a determination that an employee should be excused from work, the District Administrator, or designee, shall inform the employee of the reasons for the contemplated action and shall consider any information the employee may choose to offer regarding his/her condition. The District Administrator, or designee, shall also consider whether a reasonable accommodation could eliminate the health risk to the employee or others and/or permit adequate performance.
- G. The District Administrator shall provide written notice to any employee excused from work pursuant to this procedure. Employees so excused may utilize any applicable alternative employment opportunities provided under existing Board policies and/or collective bargaining agreement provisions (e.g., sick leave, unpaid or paid leave of absence, reassignment). Employees shall not be guaranteed continued or renewed employment except to the extent provided under such policies or provisions.
- H. Appeals.
1. Employees excused from work pursuant to this procedure and subject to a collective bargaining agreement may appeal the District Administrator's determination or action according to the grievance procedure set forth in the collective bargaining agreement.
 2. Employees excused from work pursuant to this procedure and not subject to a collective bargaining agreement may appeal the District Administrator's determination or action as follows:
 - a. Complaints must be made in writing, signed by the grievant, and submitted within five (5) school days of the disputed determination or action. The complaint must contain:
 - (1) A statement of facts;
 - (2) A statement of the relief requested; and
 - (3) Any other necessary medical information.
 - b. If the determination or action was made by someone other than the District Administrator, an appeal may be made to the District Administrator. The District Administrator will confer with the parties involved and render a written decision within ten (10) days of receipt of the complaint.
 - c. A grievant who remains unsatisfied with the District Administrator's decision may appeal to the Board. This appeal must be made in writing, signed by the grievant, and submitted to the Board President within five (5) days of the District Administrator's decision and must state the reasons for disagreement with that decision. The Board will afford the grievant a hearing, upon request, and will render a written decision within ten (10) days of receipt of the appeal or (if a hearing is held) conclusion of the hearing.
 - d. Appeals beyond the Board may be made in accordance with state and federal laws and regulations.
 - e. If the original determination or action was made by the District Administrator, an appeal may be made directly to the Board as outlined above.

- f. Except to the extent prohibited by law, Board policies or collective bargaining agreement provisions, an employee may be excused from work during the appeal.

LEGAL REFERENCE:

CROSS-REFERENCE: