

All Personnel

BP 4119.41(a)
4219.41
4319.41

EMPLOYEES WITH INFECTIOUS DISEASE

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

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4161.1/4261.1/4361.1 – Leaves)
(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. A communicable infectious disease, such as influenza, chicken pox, and COVID-19, 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, including but not limited to COVID-19, prior to beginning employment.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

To prevent the outbreak or spread of infectious diseases, the Superintendent or designee may require testing of all District staff members consistent with applicable law, and industry guidance and orders issued by local and state health authorities, including but not limited to, the California Department of Public Health and Riverside University Health Systems - Public Health. The Superintendent or designee may also 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.

(cf. 4131/4231/4331 - Staff Development)

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.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.31 - Immunizations)

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

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)

The Superintendent shall ensure that all employee rights to confidentiality are strictly observed. The District shall disclose medical record information only to the extent required or permitted by law.

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)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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.

(cf. 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

EMPLOYEES WITH INFECTIOUS DISEASE (continued)

Legal Reference (continued):

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
Information for Schools on Responding to the Novel Coronavirus (COVID-19) Outbreak,
March 2020
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS
California HIV/AIDS Laws, 2009, January 2010
Outbreak Definition and Reporting Guidance October 2020
Responding to COVID-19 in the Workplace for Employers September 2020
Guidance on Returning to Work or School Following COVID-19 Diagnosis August 2020
US DEPARTMENT OF EDUCATION
Fact sheet: Addressing the risk of COVID-19 in schools while protecting the rights of students from
the U.S. Department of Education Office of Civil Rights
Fact Sheet: Impact of COVID-19 on assessments and accountability under the Elementary and
Secondary Education Act from the U.S. Department of Education
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with
Disabilities Act, October 2002
WEB SITES
CSBA: <https://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>

Policy
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MURRIETA VALLEY USD
Murrieta, California