

## **All Personnel**

BP 4119.41(a)

4219.41

## **EMPLOYEES WITH INFECTIOUS DISEASE**

4319.41

The Governing Board encourages employees to inform the District of any illness which represents a handicap as soon as an individual learns of his/her condition. No employee who is otherwise qualified to work may be discriminated against because of his/her handicap. Legal protections established for handicapped persons extend to individuals significantly impaired by infectious diseases.

The Board desires to accommodate the needs of such individuals. The Board 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.

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

### **Employees with AIDS**

When informed that an employee is infected with AIDS, the Superintendent shall request that the employee sign a release form to provide confidential medical information and records to a medical review panel.

The Superintendent shall then convene the medical review panel, which shall consist of a public health physician who possesses expertise in the diagnosis and treatment of infectious disease, the employee's physician, the employee and/or employee representative, and the Superintendent or designee. No exclusion or modification in the AIDS-infected employee's job duties or assignments shall be made without a recommendation, on a case-by-case basis, by this medical review panel.

To determine whether the employee should continue working 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.

## **EMPLOYEES WITH INFECTIOUS DISEASE (continued)**

A report containing the panel's recommendation shall be forwarded to the Board for review and final action.

The condition and job assignment of an AIDS-infected employee shall be re-evaluated on a regular basis. The review panel shall reconvene whenever there are changes in the state of medical knowledge about AIDS or changes in the employee's medical regimen or health status which might affect his/her assignment.

### **Confidentiality**

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. Any AIDS-infected employee medical records shall be held in strict confidence by the medical review panel, and only those persons with a clear need to know shall be informed of the employee's health condition.

#### *Legal Reference:*

##### HEALTH AND SAFETY CODE

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

##### COURT DECISIONS

*School Board of Nassau County, Fla. v. Arline (1987) 107 S. Ct. 1123*

*Department of Fair Employment and Housing v. Raytheon Company (May 28, 1987) FEHC DEC.*

*No. 83-12*

*Chalk v. U.S. District Court (1988) 840 F2d 701 (9th Cir.)*