

1 It is the policy of the [Transylvania County Board of Education \(the “board”\)](#) to attempt to
2 provide a safe and secure environment for all students and employees. In an effort to maintain a
3 balance between the need to protect the rights of students and employees and the need to control
4 the spread of serious communicable diseases and conditions, the superintendent shall make
5 decisions regarding the employment status of employees with communicable diseases or
6 conditions on a case-by-case basis, in accordance with this policy. An employee suffering from
7 a communicable disease or condition is encouraged to inform his or her supervisor so that
8 appropriate accommodations may be made and appropriate precautions may be taken. This
9 policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set
10 forth in 10A N.C.A.C. 41A .0101. This policy must be shared with school employees annually
11 and with new employees as part of any initial orientation.

13 A. COMMUNICABLE DISEASE DEFINED

14
15 A communicable disease is defined as an illness due to an infectious agent, or its toxic
16 products, that is transmitted directly or indirectly to a person from an infected person or
17 animal.

19 B. SAFETY CONTROL MEASURES

21 1. Handling Bodily Fluids

22
23 In order to prevent the spread of communicable disease and conditions, universal
24 health and safety precautions, including precautions regarding the handling and
25 cleanup of blood and other bodily fluids, must be distributed by the human
26 resources office and followed by all school system employees. Employees are
27 also required to follow the school system’s bloodborne pathogens exposure
28 control plan that contains universal precautions and specific work practice
29 controls relating to the handling, disposal, and cleanup of blood and other
30 potentially infectious materials. The bloodborne pathogens exposure control plan
31 will be made available at each school or department. All employees are required
32 to review and be familiar with the plan within a reasonable time, not exceeding 30
33 days, after assuming employment. Faculty should not allow students to be
34 involved in the handling, disposal, and cleanup of potentially infectious materials
35 unless the students have been specifically trained in the handling of such materials
36 and are qualified to perform first aid services.

37
38 Failure to follow universal health and safety precautions or applicable provisions
39 of the bloodborne pathogens exposure control plan may result in disciplinary
40 action against the offending employee. All employees have a duty to report to the
41 school principal or the director of ~~the personnel office~~ [human resources](#) any
42 failure by a staff member or a student to follow the universal precautions,
43 including their own.

2. Reporting Communicable Diseases

In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other employees as necessary to prepare and file a report. All information must be kept strictly confidential.

3. Following Health Control Measures for Communicable Diseases

Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director and take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is not following safe practices, including the universal precautions, must report this failure to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

4. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

C. EMPLOYMENT STATUS OF EMPLOYEE

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

- a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition, or

- 89 b. believes that he or she may risk transmitting the communicable disease to
90 others by continuing to perform assigned duties.
91

92 The employee seeking alteration in the conditions of employment must apprise
93 the superintendent or designee of his or her condition, submit medical
94 documentation regarding such condition, suggest possible accommodations
95 known to him or her, and cooperate in any ensuing discussion and evaluation
96 regarding whether there are possible reasonable accommodations.
97

98 2. **Interdisciplinary Committee** 99

100 If the superintendent so requests, the employee must give the superintendent
101 written permission either to consult with appropriate medical personnel or to
102 convene an interdisciplinary committee to receive medical information regarding
103 the employee to the extent necessary to assist the superintendent in determining
104 whether alternative employment opportunities reasonably can be provided to the
105 affected employee. The committee may include appropriate school system
106 personnel, appropriate medical personnel, including the employee's personal
107 physician when possible, the health director or designee, and the employee.
108

109 3. **Reasonable Accommodation Review** 110

111 When addressing the issue of whether reasonable accommodation is possible, the
112 superintendent shall determine:
113

- 114 a. to what degree the employee's presence in his or her current job exposes
115 students or other employees to possible transmission of the disease; and/or
116
117 b. whether the employee is able to continue in his or her current position with
118 reasonable modifications.
119

120 The superintendent shall consult with the health director if there is any question as
121 to the employee's risk of transmission on the job. If the superintendent
122 determines that a significant risk of transmission exists in the employee's current
123 position or that the employee is no longer able to continue in his or her current
124 position for health reasons, the superintendent shall decide whether alternative
125 employment opportunities are reasonably available within the school system and
126 follow appropriate board policies for implementing or recommending a transfer.
127

128 If the employee requesting accommodation refuses to consent to the release of
129 information to medical personnel or an interdisciplinary committee appointed by
130 the superintendent, his or her request for an accommodation may be denied until
131 the employee agrees to allow the superintendent to consult with the necessary
132 parties.

133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel must be kept confidential and separate from other personnel file information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 29 C.F.R. 1630; G.S. 130A, art. 6; 10A N.C.A.C. 41A .0101 *et seq.*

Cross References: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted:

NEW