

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.

### 12 13 **A. COMMUNICABLE DISEASE DEFINED**

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15 A “communicable disease” is defined as an illness due to an infectious agent (usually a  
16 virus or bacterium), or its toxic products, that is transmitted directly or indirectly to a  
17 person from an infected person or animal.

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19 A “communicable condition” exists if a person is infected with a communicable agent but  
20 does not have symptoms.

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22 A “reportable disease or condition” is defined as a communicable disease or condition  
23 declared to be dangerous to the public health and required by the N.C. Department of  
24 Health and Human Services to be reported after the disease or condition is reasonably  
25 suspected to exist.

### 26 27 **B. REPORTING AND CONFIDENTIALITY REQUIREMENTS**

#### 28 29 **1. Principal’s Report to Health Department**

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31 In accordance with G.S. 130A-136, principals are required to report suspected  
32 cases of reportable communicable diseases or conditions to the county health  
33 director for investigation, along with any information forming the basis for the  
34 suspicion. Confidentiality of such reports is protected by law. Principals are  
35 immune from liability under state law for making such reports in good faith.

#### 36 37 **2. Confidentiality**

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39 Employees who become aware of another employee’s reportable disease or  
40 condition may not share that information with anyone, including other school  
41 personnel, unless specifically permitted to do so by the health director, by written  
42 consent of the affected employee, or by other applicable state or federal laws or  
43 regulations. The release of confidential information or records relating to an  
44 employee’s reportable disease or condition, except as permitted by law, is a

45                   misdemeanor and may subject the employee to discipline up to and including  
46                   dismissal.

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48   **C.    SAFETY CONTROL MEASURES**

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50       1.    Handling Bodily Fluids

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52                   In order to prevent the spread of communicable disease and conditions, universal  
53                   health and safety precautions, including precautions regarding the handling and  
54                   cleanup of blood and other bodily fluids, must be distributed by the human  
55                   resources office and followed by all school system employees. Employees are  
56                   also required to follow the school system’s bloodborne pathogens exposure  
57                   control plan that contains universal precautions and specific work practice  
58                   controls relating to the handling, disposal, and cleanup of blood and other  
59                   potentially infectious materials. The bloodborne pathogens exposure control plan  
60                   will be made available at each school or department. All employees are required  
61                   to review and be familiar with the plan within a reasonable time, not exceeding 30  
62                   days, after assuming employment. Faculty should not allow students to be  
63                   involved in the handling, disposal, and cleanup of potentially infectious materials  
64                   unless the students have been specifically trained in the handling of such materials  
65                   and are qualified to perform first aid services.

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67                   Failure to follow universal health and safety precautions or applicable provisions  
68                   of the bloodborne pathogens exposure control plan may result in disciplinary  
69                   action against the offending employee. All employees have a duty to report to the  
70                   school principal or the director of human resources any failure by a staff member  
71                   or a student to follow the universal precautions, including their own.

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73       ~~2.    Reporting Communicable Diseases~~

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

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82       2.    Following Health Control Measures for Communicable Diseases

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84                   ~~Employees shall follow all measures to control the spread of communicable~~  
85                   ~~disease as directed by the state or local health department. If neither the state nor~~  
86                   ~~local health departments have provided direction to contain the spread of a~~  
87                   ~~particular communicable disease, such as in the case of an emerging illness,~~  
88                   ~~employees shall implement control measures recommended by the CDC, the~~

~~school nurse, or other relevant medical authority to the extent such measures are not inconsistent with this policy or another board policy addressing control measures.~~ 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. Employees shall follow all measures to control the spread of communicable disease as directed by the state or local health department. 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.

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.

3. 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.

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

132 The employee seeking alteration in the conditions of employment must apprise  
133 the superintendent or designee of his or her condition, submit medical  
134 documentation regarding such condition, suggest possible accommodations  
135 known to him or her, and cooperate in any ensuing discussion and evaluation  
136 regarding whether there are possible reasonable accommodations.  
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138 2. Interdisciplinary Committee  
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140 If the superintendent so requests, the employee must give the superintendent  
141 written permission either to consult with appropriate medical personnel or to  
142 convene an interdisciplinary committee to receive medical information regarding  
143 the employee to the extent necessary to assist the superintendent in determining  
144 whether alternative employment opportunities reasonably can be provided to the  
145 affected employee. The committee may include appropriate school system  
146 personnel, appropriate medical personnel, including the employee's personal  
147 physician when possible, the health director or designee, and the employee.  
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149 3. Reasonable Accommodation Review  
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151 When addressing the issue of whether reasonable accommodation is possible, the  
152 superintendent shall determine:

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- 154 a. to what degree the employee's presence in his or her current job exposes  
155 students or other employees to possible transmission of the disease; and/or  
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  - 157 b. whether the employee is able to continue in his or her current position  
158 with reasonable modifications.  
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160 The superintendent shall consult with the health director if there is any question as  
161 to the employee's risk of transmission on the job. If the superintendent  
162 determines that a significant risk of transmission exists in the employee's current  
163 position or that the employee is no longer able to continue in his or her current  
164 position for health reasons, the superintendent shall decide whether alternative  
165 employment opportunities are reasonably available within the school system and  
166 follow appropriate board policies for implementing or recommending a transfer.  
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168 If the employee requesting accommodation refuses to consent to the release of  
169 information to medical personnel or an interdisciplinary committee appointed by  
170 the superintendent, his or her request for an accommodation may be denied until  
171 the employee agrees to allow the superintendent to consult with the necessary  
172 parties.  
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174 4. Confidentiality of Information  
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176 Information shared with the superintendent, medical personnel, or  
177 interdisciplinary committee personnel must be kept confidential and separate from  
178 other personnel file information and may be shared with other school employees  
179 only with the written permission of the employee as necessary to explore, design,  
180 or implement possible accommodations or as otherwise allowed by law.

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

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

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

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191 Adopted: January 19, 2016

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193 Revised: [DATE]

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