

Policy Code: 7262 Communicable Diseases and Employees

The Board recognizes its responsibility to provide a safe and secure school environment for all students and staff. The Board further recognizes that it must balance this responsibility against its duty to protect employees from personnel actions that are arbitrary, capricious, and/or discriminatory. In an effort to maintain a balance between the need to protect the rights of students and employees and to control the spread of serious communicable diseases and conditions, the superintendent will make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her supervisor so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases as set forth in [10A N.C.A.C. 41A.0101](#). This policy must be shared with school employees annually and with new employees as a part of any initial orientation.

A. Communicable Disease Defined

A "communicable disease" will be defined as an illness due to an infectious agent (usually a virus or bacterium), or its toxic products, that is transmitted directly or indirectly to a susceptible person by contact with an infected individual or animal.

- A "communicable condition" exists if a person is infected with a communicable agent but does not have symptoms.
- A "reportable disease or condition" is defined as a communicable disease or condition declared to be dangerous to the public health and required by the North Carolina Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

The Orange County Health Department will be the definitive authority on the identification and transmission of communicable diseases.

B. Reporting and Confidentiality Requirements

1. Principal's Report to Health Department

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

2. Confidentiality

Employees who become aware of another employee's reportable disease or condition may not share that information with anyone, including other school personnel, unless specifically permitted to do so by the health director, by written consent of the affected employee, or by other applicable state or federal laws or regulations. The release of confidential information or records relating to an employee's reportable disease or condition, except as permitted by law, is a Policy Code 7262 Board of Education Policy Manual Page 2 of 2 misdemeanor and may subject the employee to discipline up to and including dismissal.

C. Safety Control Measures

1. Handling Bodily Fluids

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, will be distributed by the administration and will be followed by all school district employees. In addition, the school district will have in effect a bloodborne pathogens exposure control plan that will contain universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Faculty should not allow students to be involved in the handling, disposal, or cleanup of potentially infectious materials.

Failure to follow standard health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. Instances of an employee's failure to follow these provisions will be reported to the school principal or the Chief Human Resources Offices.

2. Following Health Control Measures for Communicable Diseases

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

Any employee suffering from a communicable disease or condition will follow all control measures given to him or her by the health director and will take all necessary precautions to prevent the transmission of the disease or condition. Any school district employee who has reason to believe that a fellow employee is suffering from a reportable communicable disease and that the fellow employee is failing to follow safe practices will report this to his or her principal or supervisor or to the health director. Supervisory personnel will report all such unsafe conduct to the health director. Failure to follow control measures may result in severe sanctions against the offending employee.

3. Cooperating with Health Officials

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

D. Status of Employment

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.

In an attempt to maintain a balance between the individual rights of employees and control of communicable diseases, the Board requires that the employment status of an employee with a chronic communicable disease shall not be affected unless medical judgment substantiates that action is necessary to prevent a serious health threat to students and other employees. In the

event that medical judgment substantiates such a health threat, the Board retains the right to reassign the employee to a position that limits student/employee contact or to place the employee on medical leave. The Board reserves the right to terminate an employee who is unable to return to work at the conclusion of the medical leave period.

Determination of reassignment or medical leave will be made according to what degree the employee's presence in his or her current job exposes students or other staff to possible transmission of the disease, and/or whether the employee is able to continue in his or her current position or an altered position with reasonable modifications.

1. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee in order to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school district personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

2. Reasonable Accommodation Review

The superintendent will consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent will decide whether alternative employment opportunities are reasonably available within the school district.

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

3. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel will be kept confidential and will be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations.

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

Legal References: The Americans with Disabilities Act, [42 U.S.C. 12101](#) *et seq.* [29 C.F.R. pt. 1630](#); [G.S. 130A, Article 6](#); [10A NCAC 41A.0101](#) *et seq.*,

Cross Reference: Occupational Exposure to Bloodborne Pathogens (policy 7260)

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