4510.07: PERPETUALLY INFECTIOUS DISEASES
I. Is the policy of the District that there shall be no discrimination against an employee because of disability. This policy shall apply to a disability which may arise from a perpetually infectious disease; provided, however, that due consideration must be given to the specific facts of each case and the possibility of harm to others.

II. In all instances where an employee has a perpetually infectious disease, the employee’s condition and identity will remain confidential unless the employee has consented to the release of such information.

III. The provisions of Rule 4510.1 shall apply to eligible employees, as defined therein, with a perpetually infectious disease. In addition to the conditions set forth therein for use of sick leave days, such may also be used by persons with a perpetually infectious disease, if warranted to avoid opportunistic infections.

IV. "Perpetually infectious diseases" are those diseases which are carried throughout life by the infected person and have the potential to be transmitted to other individuals and include but are not limited to: AIDS, ARC, CMV (as defined below), Tuberculosis, Hepatitis, and Herpes.

A. Acquired Immune Deficiency Syndrome (AIDS) infected with human T lymphotropic virus type III/lymphadenopathy associated virus (HTLV III/LAV). Persons infected with this virus are unable to fight off a variety of infections and rare illnesses. Symptoms include repeated infections that result in persistent diarrhea, swollen glands, fatigue, fevers or persistent cough which the body is unable to fight off, eventually resulting in a life threatening illness such as pneumonia or uncommon skin cancer. The disease is transmitted through blood to blood contact or intimate sexual contact.

B. AIDS Related Complex (ARC) a medical condition in which the body has repeated infections and is unable to protect itself from certain tumors and/or infections. Symptoms similar to AIDS are present but there has been no life threatening illness. This condition may progress to AIDS although the symptoms may be the result of other diseases. The disease is transmitted through blood to blood contact or intimate sexual contact.

C. Cytomegalovirus (CMV) common virus which is harmless to most persons. At greatest risk are fetuses and persons receiving medications which suppress their natural immunity to infections. It is transmitted by close person to person contact, body secretions and blood.

V. The following procedures shall be followed with respect to an employee who is suspected of having or has a perpetually infectious disease.

A. Any employee who has or suspects that he/she has a perpetually infectious disease shall advise the Superintendent or Superintendent’s designee. Such information shall be treated as confidential and will not be divulged to other persons or sources except to the extent necessary to take precautions to protect others from the disease.

B. The Superintendent or Superintendent’s designee may require an employee to provide current medical information or to submit to a medical evaluation if he has a reasonable suspicion that an employee has a perpetually infectious disease.

C. If an employee has been diagnosed with a perpetually infectious disease, determination of whether the employee should be permitted to continue to be employed in his/her capacity will be made by a review of each individual case by a team (hereinafter “Team”) established by the Superintendent or Superintendent’s designee. The Team shall meet within seven (7) working days of the diagnosis and make a determination within ten (10) working days of the Team meeting.

D. The Team will consider the following factors in arriving at its recommendation as to the propriety of the employee’s continued employment in his/her current capacity:

1. The employee’s workplace and interaction with other persons;
2. The physical condition of the employee;
3. Whether the employee’s condition substantially interferes with his/her ability to perform essential job functions with reasonable accommodation; and
4. Whether the employee poses a substantial possibility of harm to others.

E. Upon diagnosis and prior to a decision by the Team, the Superintendent may remove the employee from the workplace if he determines that the employee’s presence in the workplace poses a health threat.

F. Based upon the information available to the Team, it may recommend:

1. Continued employment in his/her current capacity;
2. Reassignment;
3. Leave of absence;
4. Reduction in amount of employment;
5. Termination;
6. Such other reasonable accommodations as may permit the employee to perform essential job functions; or
7. Any combination of the above.

G. Based upon the Team’s recommendation, the Superintendent or the Superintendent’s designee shall take appropriate action. If the employee’s employment status will be affected appropriate due process procedures as required by law shall be followed.