

**D 9: COMMUNICABLE DISEASES\SCHOOL PERSONNEL\PROCEDURES**

The following procedures will govern school personnel with communicable diseases and their attendance at school:

1. An employee with a disease will not be removed from his\her position if such employee poses no direct threat of transmission of a significant health hazard to others and is able to perform the essential functions of his\her position with or without reasonable accommodations, as determined by the Assistant Superintendent or other persons whose recommendation is deemed necessary. If requested, the employee may, but is not required to, provide the school with a written statement from his\her treating physician supporting his\her attendance and ability to fulfill job requirements.
2. The Burlington School District respects the privacy of employees with communicable diseases, as modified above. Except as otherwise permitted or required by law, no school personnel shall disclose any information related to an employee's communicable disease except to those persons with a direct need for such knowledge. See No. 9 below. Such persons shall be provided with appropriate information concerning any necessary precautions\procedures pertaining to such employees and shall be informed in writing of the confidentiality requirements.
3. Decisions regarding the appropriate employment setting and work program for an employee with a communicable disease shall be based on the employee's behavior, the employee's neurological status and physical condition, the expected type of interaction with others in the proposed employment setting and the health impact on both the employee and others. See #8 below also. This decision will be made by the Assistant Superintendent, the coordinator of the employee's work program, in consultation with:
  - a) the employee and\or representative selected by the employee
  - b) the employee's treating physician
  - c) the Board's medical advisor
  - d) others, if deemed necessary
4. If an employee with a communicable disease is unable to perform the essential functions of his\her position the employee may be removed from the assigned work setting temporarily (with pay?) by the Assistant Superintendent to allow the district to make reasonable accommodations so as to enable the employee to perform such essential functions of his\her position.
5. The Assistant Superintendent (after consulting with the individuals referred to in #3) shall determine whether the risk has abated or that the employee can safely return to his\her duties with or without the reasonable accommodations. Such decision shall be made within ten working days of the employee's temporary removal from his\her position.
6. If after the District has made reasonable accommodations to enable an employee with a communicable disease to perform the essential functions of his\her position and such employee remains unable to perform such essential functions he\she shall be removed from his\her position. The employee shall continue to be removed from the position until such time as it is determined that the employee is able to perform the essential functions of his\her position with reasonable accommodations.
7. At least once a month or upon request of the employee, the Assistant Superintendent with the individuals referred to in #3, will review each removal of an employee from the assigned work setting to determine whether employee can then perform the essential functions of the position with or without reasonable accommodations.
8. In making decisions regarding privacy, employment setting and employee work programs, the following will be considered:
  - a) nature of the risk
  - b) duration of the risk
  - c) severity of the risk
  - d) probability that the disease will be transmitted and cause varying degrees of harm
9. Pursuant to the Vermont Department of Health Communicable Disease Regulations, Chapter II, school health officials must report to the Health Department Division of Epidemiology within 24 hours any incidence of school personnel which they know or suspect is sick or has died of any disease listed in Appendix A.

10. For the standard procedures to be followed for the handling of blood or bodily fluids of any employee see published administrative procedures of the Burlington School District.

Cross References:           AIDS\HIV Policy F 26  
                                  Nondiscrimination on the basis of disability, ACAC  
                                  Equal Employment Opportunity, A 4

Legal References:

29 U.S.C. § 794, as amended. Section 504 of the Rehabilitation Act of 1973.  
29 U.S.C. § 601, et seq., as amended. Occupational Safety and Health Act of 1970.  
42 U.S.C. § 12101, et seq., as amended, and 47 U.S.C. §§ 225 and 611. Americans with Disabilities Act.  
1 V.S.A. § 317 (7) and (11), exceptions to public records disclosure.  
18 V.S.A. §102, as amended, Duties of State Board of Health, authority to make regulations  
18 V.S.A. §107, Life and Health of Inhabitants, Inspections, Investigations  
18 V.S.A. §1001, as amended, Duties of School Health Official to report communicable diseases.  
21 V.S.A. §§ 201 and 224, statutes adopting federal Occupational Safety and Health Act of 1970, as standard under Vermont law. Vermont Occupational Safety and Health Act (VOSHA).  
21 V.S.A. § 495(a), nondiscrimination on basis of disability\handicap.  
Vermont Department of Health, Communicable Disease Regulations, Part IV §§ 4-101 - 4-206.  
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## Appendix A

### Vermont Department of Health Communicable Disease Regulations, § 4-204: Diseases Required to be Reported

|  |                                      |
|--|--------------------------------------|
| AIDS   | Listeriosis                          |
| Amebiasis                                      | Lyme Disease                         |
| Anthrax  | Malaria                              |
| Botulism                                       | Measles (Rubeola)                    |
| Brucellosis                                    | Meningitis (Bacterial)               |
| Campylobacter Enteritis                        | Meningococcal Infections, Other      |
| Chlamydia                                      | Mumps                                |
| Cholera  | Pertussis (Whooping Cough)           |
| Cryptosporidiosis                              | Plague                               |
| Diphtheria                                     | Pneumococcal Disease, Drug-Resistant |
| E. coli 0157:H7 infection                      | Poliomyelitis                        |
| Encephalitis                                   | Psittacosis                          |
| Enterococci, Vancomycin-Resistant              | Rabies in Man, Animals               |
| Giardiasis                                     | Reye Syndrome                        |
| Gonorrhea                                      | Rheumatic Fever                      |
| Group A streptococci (GAS) infection, invasive | Rocky Mountain Spotted Fever         |
| Guillain Barre Syndrome                        | Rubella (German Measles)             |
| Haemophilus influenzae, invasive               | Salmonellosis                        |
| Hantavirus Disease                             | Syphilis                             |
| Hemolytic uremic syndrome (HUS)                | Tetanus                              |
| Hepatitis A                                    | Toxic Shock Syndrome                 |
| Hepatitis B                                    | Trichinosis                          |
| Hepatitis Non-A/Non-B                          | Tuberculosis                         |
| Hepatitis Unspecified                          | Typhoid Fever (Salmonella Typhi)     |
| Influenza                                      | Yellow Fever                         |
| Kawasaki Disease                               |                                      |
| Lead Poisoning                                 |                                      |
| Legionnaires' Disease                          |                                      |