

**Staff Health**  
**(Staff Members with HIV/AIDS/Communicable Diseases)**

The following procedures shall be followed when evaluating the employment status of an employee infected with human immunodeficiency virus (HIV) including those staff members diagnosed as having Acquired Immune Deficiency Syndrome (AIDS) and those suspected of being infected with HIV.

These procedures shall also apply whenever a school official has reasonable cause to suspect that a staff member is seriously ill and the illness is affecting the employee's ability to perform job responsibilities or poses an unacceptable risk to the health and safety of the employee or others. Reasonable cause may exist in but not be limited to situations where the employee's health is observed to be deteriorating to the point of interfering with the performance of duties, when the employee displays persistent physical symptoms of illness, or where there is similar reasonable evidence of such disease.

**Reporting suspected or confirmed cases**

The superintendent will be the staff member responsible for coordinating the school district's effort to evaluate the employment status of an employee in accordance with these procedures. For purpose of these procedures, the superintendent shall be referred to as the "school officer."

It is improper for any employee who has knowledge or reasonable grounds to suspect that he or she is infected with a communicable disease to willfully expose or infect another with such a disease or to knowingly perform an act or engage in conduct which exposes or infects another person with such a disease.

Any staff member afflicted with a long-term communicable disease is encouraged to report this fact directly to the school officer.

If a supervisor has been informed or has reasonable cause to believe that an employee has an illness which is interfering with job performance or posing an unacceptable health risk to the employee or others, the supervisor shall notify the school officer immediately. The school officer shall confer individually with the supervisor and the staff member to assess the situation.

## **Evaluation of employment status**

HIV infection is not transmitted casually; therefore, it is not itself a reason to remove a staff member from school. The school officer will determine whether the person who is infected with HIV has a secondary infection such as active tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question which the school officer will answer by consulting with the infected person's physician, a qualified public health official who is responsible for such determinations, and the infected person.

In determining an appropriate response, the district shall consider the most current and reliable medical information available, with particular reference to the dangers of increased risk of transmission to others, and the health risk to the employee as well as the expected type of interaction with others.

If there is no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the infected person's job assignment will not be altered unless a reassignment is requested as a reasonable accommodation.

If there is a secondary infection that constitutes a medically recognized risk of transmission in the school setting, the school officer will consult with the physician, public health official and the infected person. If necessary, they will develop an individually tailored plan for the staff member. Additional persons may be consulted if this is essential for gaining additional information, but the infected staff member must approve of the notification of any additional persons who would know the staff member's identity. Utmost confidentiality will be observed throughout this process.

When an employee is determined to be unfit for continued duty because it has been determined that the employee is incapable of performing the essential functions of the position or poses a direct threat to the health or safety of himself/herself or others, the employee will be entitled to use any accumulated sick leave in accordance with Board policies.

When an employee has exhausted all sick leave and other applicable leave options and is deemed unfit to resume duties, employment may be terminated through the

employee's resignation, retirement or dismissal in accordance with applicable Board policies and applicable law.

The school official will review the case periodically with the infected person and the medical advisors described above.

## **Confidentiality**

All information gained by the district through the application of the accompanying policy and these procedures, including the identity of an employee infected with HIV, shall be treated as confidential. Information will be disclosed only as appropriate in connection with these procedures.

Persons who may know the identity of a staff member infected with HIV are those who with the infected person will determine whether the person has a secondary infection that constitutes a medically recognized risk of transmission in the school setting. They are the school officer, the personal physician of the infected person and a public health official who may be able to study the facts of the case sufficiently without needing to know the identity of the staff member to make a decision.

The decisionmakers listed above and the infected person will determine whether additional persons such as the school nurse or principal need to know that an infected person works at a specific school. The additional persons will not know the name of the infected person without this person's consent.

All persons shall treat all medical information as highly confidential. No information will be divulged directly or indirectly to any other individuals or groups. All medical information and written documentation of discussions, telephone conversations, proceedings and meetings will be kept by the school officer in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected staff member.

To further protect confidentiality, names will not be used in documents except when essential. Any document containing the name or any other information that would reveal the identity of the infected person will not be shared with any person, not even for the purposes of word processing or reproduction.

Approved: September 14, 1993

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Swink School District #33, Swink, Colorado