

It is the policy of the Board of Education to provide a safe and secure environment for all students and employees. Orange County Schools (OCS) has the responsibility to take reasonable and lawful measures to protect students and staff from the transmission of communicable diseases. Communicable diseases are those that can be transmitted from one human to another *or* from animals to humans. They can range from common diseases such as seasonal flu or streptococcal infections to more serious acute or chronic conditions such as pandemic flu or HIV infection.

In an effort to balance the need to protect the rights of students and employees and the need to control the spread of serious communicable diseases and conditions, decisions regarding the employment status of employees with communicable diseases or conditions shall be made on a case-by-case basis, in accordance with this policy. OCS has the responsibility to uphold the rights of infected individuals to privacy and confidentiality, to continue their employment, and to be treated in a non-discriminatory manner.

This policy is in adjunct to the “Communicable Disease – Students” policy, student section, number 4230 and several others as outlined below.

COLLABORATION WITH THE ORANGE COUNTY HEALTH DEPARTMENT

OCS employees work closely with the Orange County Health Department (OCHD) as outlined in NC law to prevent and control the spread of communicable disease. Communication and collaboration with the OCHD occurs through the Coordinated School Health Program and designated school health official(s). Under the direction of the Health Director/designee, infection control/environmental measures are implemented according to disease type, OCS procedure(s), and the Memorandum of Agreement between Orange County Schools and the Orange County Health Department. Procedure exists for prevention and control of communicable disease in general as well as specific conditions per 10A NCAC 41A .0201-.0207. Procedure also outlines duties of employees and work regulations in light of the prevention and control of communicable disease per 10A NCAC 41A .0201-.0211.

INFECTION CONTROL MEASURES

All employees shall submit an Employee Health Certificate per OCS policy number 7120: (1) upon hire; (2) separation from public school employment for more than one year; or (3) absenteeism for more than 40 successive school days because of a communicable disease. All new employees shall attend Orange County Schools’ Infection Control Training per OSHA Standard 1910.1030. All other employees shall participate in Employee Health and Safety Renewal Training annually. OCS administration shall ensure sufficient protective equipment and supplies are available for the safety of students and employees.

Infection control measures such as hand-washing shall be implemented routinely by all employees according to procedure to prevent communicable disease and control its’ spread when disease does occur. Specific work divisions/personnel may have additional infection control procedures, such as surveillance by nurses or those addressing environmental services by custodians. An employee’s failure to implement or follow communicable disease policy/procedure shall be reported to the school principal or Superintendent and may result in disciplinary action against the offending employee.

EXPOSURE CONTROL

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls (including the handling/disposal of special medical waste), post-exposure evaluation/follow-up and administering

vaccine to employees exposed to Hepatitis B virus. Every employee site must follow and have available the Exposure Control Plan. (Refer to “Occupational Exposure to Blood-borne Pathogens”, OCS policy number 6645.) Any employee who, as a result of his/her employment, has significant blood/body fluid exposure is required to follow the OCS Exposure Control Plan. Any employee who chooses not to complete the Plan’s reporting requirements will be at risk of losing any claim to workman’s compensation rights.

NOTIFICATION, REPORTS and CONFIDENTIALITY

Routine monitoring, surveillance and reporting of communicable disease to the Superintendent and County Health Director/designee shall occur (1) according to OCS procedure, and (2) within the required timeframe as outlined by law (10A NCAC 41A). The local health department has the charge and authority to investigate communicable disease and prescribe control measures in the community for the safety of the public (G.S. 130A-144). Therefore, the report to the County Health Director/designee shall be substantiated with available factual information in accordance with G.S. § 130A-136. OCS employees shall comply with County Health Director/designee recommendations.

Certain communicable diseases can be life-threatening to an immune compromised person. The school health official(s) shall determine if immune compromised persons need appropriate accommodation or information to protect their health and safety. However, OCS does not assume any duty to inform an employee of health risks caused by the presence of a communicable disease in the school setting unless the condition has been reported to the school health official.

All medical information relating to employees is confidential and shall be obtained, kept, and disclosed according to procedure and NC law (G.S. 130A-143). Inquiries or concerns by employees or others regarding communicable diseases shall be handled according to procedure.

MANAGEMENT OF INDIVIDUALS WITH SUSPECTED COMMUNICABLE DISEASE

Infected employees shall not report to work during the period of time in which they are contagious to others in the school setting. Clarification of what constitutes communicable disease or condition necessitating absence from work is outlined in OCS procedure. An employee afflicted with a communicable disease or condition capable of being readily transmitted in the school/work setting (e.g. airborne transmission) shall be encouraged to report the existence of the illness in case there are precautions that must be taken to protect the health of others. In order to prevent the transmission of the disease or condition, the employee shall follow all control measures/treatments given to him/her by the County Health Director and/or primary care provider. The district reserves the right to require a statement from the primary care provider prior to the return to work.

Outbreak control measures, such as social distancing, and other directives of the Department of Health and local health agencies shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of an employee who has a communicable disease. The communicable diseases specifically addressed by the Department of Health regulations are listed in the OCS procedures. Any school system 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 shall report this to his/her principal, supervisor, school health official(s) or County Health Director. Unsafe conduct and failure to follow established infection control measures may result in disciplinary action against the offending employee.

REASONABLE ACCOMMODATION

Not all communicable disease presents a significant and direct threat to the health and safety of others in the school setting. Therefore, employees who have specific acute (e.g. streptococcal infection or conjunctivitis) or chronic (e.g. tuberculosis or HIV/AIDS) communicable disease shall not be excluded from work unless they present a significant and direct threat to the health and safety of others which cannot be eliminated by reasonable accommodation.

Whether accommodations may be made in the case of an acute or chronic communicable disease shall be determined by the designated school health official(s) upon conference with the County Health Director/designee. Such a case shall be determined on an individual basis upon request by the infected employee and must include a Superintendent or administrator approved plan of action restricting the individual's ability to spread the disease to others in the school setting.

No job assignment shall be altered unless a reassignment is requested by the employee as a reasonable accommodation or the health condition deteriorates to a level that becomes a significant threat to the health and safety of the employee or others. If the infected employee needs accommodation for a significant period of time, an interdisciplinary committee shall be formed according to procedure for the purpose of identifying reasonable accommodation while maintaining the health and safety of others. In such a case, the infected employee must provide written consent to share medical information with the committee members. All information shared in committee shall remain strictly confidential. Failure to provide written consent may result in an accommodation being denied if the committee members need the information to make decisions. Reasonable accommodation may be made in the current setting/job description or as an alternative assignment/employment within the school system. The Superintendent must approve committee recommendations for accommodation.

If the infected health condition deteriorates to a level resulting in the employee becoming unfit for continued duty because he/she is incapable of performing the essential functions of the job with or without reasonable accommodation, the Superintendent shall consult with legal counsel, health professionals, or others as necessary, to ensure that exclusion of an employee with a chronic communicable disease will not violate the employee's rights under the American with Disabilities Act or Section 504 of the Rehabilitation Act.

LEAVE OF ABSENCE

Normally, employees unable to work due to communicable disease shall utilize their leave options as outlined in the OCS policy manual (Section 7000 – Personnel) and NC Public Schools Benefits & Employment Policy Manual. When indicated, OCS shall comply with the “Contagious Disease” policy (9.4) from the Public Schools of North Carolina Benefits and Employment Policy Manual, based on G.S. 115C-12(8). This policy states:

“When the County Health Director, in order to control the spread of contagious disease or to protect the health of an employee, orders an employee to leave his/her work environment, the Superintendent shall:

- ❖ Reassign the employee to a safe work environment under conditions agreed to by the County Health Director
- or
- ❖ Place the employee on leave with pay for the period of time set by the medical director. Leave shall not be charged to the sick leave or other available paid leave. A substitute employed for this reason shall be paid from the same source of funds as the employee (local, federal, or state).”

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

Legal References:

Federal Law

- ❖ OSHA Standard 1910 .1030 Occupational Safety & Health Standards: Toxic & Hazardous Substances: Blood-borne Pathogens
- ❖ Title 42 Chapter 126 American With Disabilities Act of 1990: Title 42 – The Public Health & Welfare; Chapter 126 – Equal Opportunity for Individuals with Disabilities; Subchapter 1 – Employment
- ❖ Section 504 Rehabilitation Act – Section 504: Non-discrimination Under Federal Grants and Programs

NC State Law

- ❖ G.S. 115C-12(8) State Board of Education: (12) Powers and Duties of the Board Generally; (8) Power to Make Provisions for Sick Leave and for Substitute Teachers
- ❖ G.S. 130A-136 School Principals and Child Care Operators to Report (Communicable Disease)
- ❖ G.S. 130A-143 Confidentiality of Records (Communicable Disease)
- ❖ 10A NCAC 41A Reportable Diseases and Conditions
- ❖ 10A NCAC 41A .0201-.0206 Control Measures – General, HIV, Hepatitis B, Sexually Transmitted Diseases, Tuberculosis, & Health Care Settings
- ❖ 10A NCAC 41A .0207 Control Measures – HIV and Hepatitis B Infected Health Care Workers
- ❖ 10A NCAC 41A .0211 Duties of Other Persons
- ❖ 10A NCAC 41A .0206 Control Measures – Health Care Setting
- ❖ 10A NCAC 41A .0207 Control Measures – HIV and Hepatitis B Infected Health Care Workers
- ❖ 10A NCAC 41A .0211 Duties of Other Persons