

**FAYETTEVILLE (AR) PUBLIC SCHOOLS**

**COMMUNICABLE DISEASES**

An employee suffering from any communicable disease (as defined by the Arkansas Health Department) will be continued in regular employment as long as such employment does not significantly increase the health risk of the infected employee or other adults or children in the school environment.

The employee is required to report any such infection to the appropriate administrative supervisor (as defined by the District's administrative organization chart), at which time a determination shall be made about the significance of risk to the employee and others, using the following procedures.

**PROCEDURES**

**Acute Diseases**

In the case of acute, transient diseases, the employee will be placed on regular sick leave until such time as the employee's physician (or other authorized medical personnel) has approved the employee's return to school.

**Chronic Diseases**

In the case of chronic communicable diseases (such as AIDS, Hepatitis B., etc.), the employee will be continued in regular employment as long as appropriate medical assurance is provided that such employment does not significantly increase the health risk of the infected employee or other individuals in the school. In general, a statement from the infected employee's physician will be "appropriate assurance." However, the Superintendent of Schools may require the infected employee to undergo an independent medical examination (by a physician mutually agreed upon by the Superintendent and the employee or a physician recommended by the President of the County Medical Society) to confirm the risk level indicated by the employee's personal physician. (Such an examination may also be required of any employee whom the Superintendent has probable cause to believe to be infected by such a chronic, communicable disease, even if it has not been reported by the employee.) Such examination shall be paid for by the school district, with the results being reported simultaneously, in writing, to the employee and the Superintendent. If an employee refuses to submit to such an examination, the Superintendent may suspend the employee, without pay, until the examination is completed.

If the findings of the two physicians are not congruent, the Superintendent will convene a panel to review the case and make a recommendation. The panel will consist of

- The employee and/or a representative of the employee
- A representative of the Arkansas Health Department
- Both reporting physicians
- Legal counsel (if desired by the employee or the school district)
- The Superintendent or a representative of the Superintendent

The panel shall be asked to review

- The medical findings and physical condition of the employee
- The expected contact with others
- The risks involved to the employee and to others in the school setting

The panel may make any of the following recommendations:

1. That the employee be continued in regular employment.
2. That the employee be reassigned to duties requiring reduced contact with others.
3. That the employee be removed from the school setting.

If the panel's recommendation represents a consensus, the school will follow the panel's recommendation (except in the case of Recommendation 2, where the school will follow the panel's recommendation to the extent that it can reasonably do so). If no consensus is reached, the Superintendent's judgment will prevail and may be appealed to the Board of Education in the manner prescribed in Policy No. 4102. If the Superintendent, in the absence of a consensus, imposes Recommendation 3, the employee will be placed on paid sick leave as long as any appeal is pending to the Board of Education.

If Recommendation 1 or 2 is implemented, the Superintendent may require periodic medical examinations (to be paid for by the school district) to monitor the employee's condition. Such examinations shall not be required more frequently than once each semester. The result of any such examination shall be reported to the Superintendent and the employee. If an examination indicates a change in the employee's condition, the Superintendent may reconvene the

panel to review its earlier recommendation. In addition, if Recommendation 1 or 2 is implemented, the Superintendent is authorized to suspend the employee temporarily when the risk to others is increased (open sores on the employee, for example). An employee so suspended may use accumulated sick leave or other appropriate leave for which the employee qualifies. The employee may voluntarily withdraw from the school setting when temporary health risks to the employee exist (such as an outbreak of infectious disease in the school). At such times, the employee may use accumulated sick leave or other appropriate leave for which the employee qualifies.

If Recommendation 3 is implemented, the employee will be placed on extended leave after all other appropriate leave has been used. If, after two years, the employee has not been able to return to regular employment, the employee will be considered to have resigned from employment.

**Confidentiality**

The identity of any employee with an acute or chronic infectious disease shall not be publicly revealed except when that employee remains employed and precautions are advised for those in contact with the employee. In that case, knowledge of the identity of the employee will be limited to those who are advised to take precautions.

Adopted: 10-10-89