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# NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

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Board of Education Policy 5-40

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## **PERSONNEL CHRONIC INFECTIOUS DISEASE**

Employees with chronic infectious diseases or who are carriers of a chronic infectious disease shall be permitted to retain their positions and job responsibilities with New Trier Township High School District 203 whenever, after reasonable accommodation and without undue hardship, there is no reasonable risk of transmission of the disease. Employees who cannot retain their positions shall remain subject to the Board of Education's employment policies including but not limited to sick leave, physical examinations, temporary and permanent disability and termination.

All employees shall participate in in-service training regarding the Illinois Department of Labor's rules on bloodborne pathogens at the time of hiring as changes occur, and annually. The District shall keep records of such training, including the content outline for the training, the dates of presentation, the name and qualifications of the individual presenting the training, and an attendance list, including the job title of those in attendance. Training records shall be maintained for three years from the date on which the training occurred.

The Superintendent will formulate a Bloodborne Pathogen Exposure Control Plan and appropriate administrative procedures in compliance with state law.

### **Notification**

Any employee having a chronic infectious disease shall immediately report his or her condition to the Superintendent.

### **Chronic Infectious Diseases**

The chronic infectious diseases covered by this policy are those discussed in *Management of Chronic Infectious Diseases in School Children*, Illinois State Board of Education and Illinois Department of Public Health, State of Illinois, September, 1986.

For purposes of this policy, chronic infectious diseases include but are not limited to:

1. Herpes Simplex;
2. Acquired Immune Deficiency Syndrome (AIDS);
3. Cytomegalovirus (CMV);
4. Hepatitis B;
5. Congenital Rubella Syndrome;
6. AIDS-Related Complex (ARC);
7. Human T-Lymphotropic Virus Type III (HTLV-III); and
8. Tuberculosis.

### **Temporary Exclusion**

Pending determination of the employee's continued employment status, an employee with a chronic infectious disease may be temporarily excluded from work or transferred to another position by the Superintendent or designee. During any period of temporary exclusion, the employee shall be entitled to utilize sick leave and other related benefits. In the event an employee is so excluded, an initial evaluation shall be completed in a timely manner to determine if the employee may return to work. If it is determined (pursuant to the procedures of the initial evaluation) that the employee may return to work and under what conditions, the employee shall be paid at the employee's regular rate for such time excluded and no deduction from sick leave shall be made. The Superintendent shall notify the Board of any temporary exclusion action.

### **Medical Certification**

1. The Superintendent shall require a letter from the employee's physician stating that the employee is qualified to perform, with or without reasonable accommodation, his or her duties without exposing other staff members or students to infection.
2. The opinion of the employee's physician will be considered but is not controlling. The Superintendent may require the employee to submit to an examination by a physician selected by the Superintendent at District expense.

**Infectious Disease Review Team**

The Board recognizes that the management and control of a school environment which is free from infectious disease requires the cooperation and effort of the school staff and community. To promote and ensure appropriate health standards, an Infectious Disease Review Team shall be appointed by the Superintendent. Team members shall include, but shall not necessarily be limited to, a medical advisor, the school's Health Services Coordinator and the Superintendent or designee.

The responsibilities of the Infectious Disease Review Team include the following:

1. to review, on an individual basis, the medical case history of a staff member who has an infectious disease;
2. to recommend to the Superintendent the possible temporary removal of such a staff member from his or her regular educational setting; and
3. to recommend to the Superintendent when the staff member may return to his or her regular educational setting.

The Infectious Disease Review Team shall be guided by the policies of the Board, rules and regulations promulgated by the Illinois Department of Public Health and all other relevant State and Federal laws and regulations, and shall consult the staff member's personal physician and officials of the Illinois Department of Public Health and local health department before taking any action or making any recommendation.

In the exercise of its responsibilities, the Infectious Disease Review Team shall respect the privacy rights of each staff member and shall take such precautions as may be necessary to secure the staff member's confidentiality, consistent with public health needs.

**Initial Evaluation**

An employee with a chronic infectious disease shall be evaluated by the Infectious Disease Review Team. The Team's report and recommendations including any dissenting opinions shall be forwarded to the Superintendent or designee. After reviewing the Team's report and recommendations and other significant evidence, the Superintendent or designee shall decide if the employee may return to work and under what work conditions. The Team's report and recommendation will be considered but will not be controlling.

### **Accommodations**

1. An employee shall be permitted to retain his or her position unless, after weighing all the applicable medical and scientific evidence, the Superintendent determines that the employee, despite reasonable accommodation, cannot perform the essential functions of the position without endangering self or others.
2. In accordance with applicable procedures, an employee who must be removed from a position under this policy will be subject to the Board's personnel policies or any applicable collective bargaining provisions.

### **Subsequent Evaluations**

The employee shall be periodically reevaluated by the evaluation team to determine whether the employee's placement continues to be appropriate. The frequency of the reevaluations shall be determined by the Infectious Disease Review Team. After reviewing the Team's report and recommendations and other significant evidence, the Superintendent or designee shall decide if the employee may return to work, and under what work conditions. When an employee is absent due to an infectious disease and returns to work, the District may require a certificate from a licensed physician in the State of Illinois stating that the employee is free from disease or otherwise qualifies for readmission to work.

### **Confidentiality**

The employee's medical condition shall be disclosed only to the extent necessary to minimize health risks to the employee and others. In all instances, the name of the employee will be treated as personal and confidential. Precautions will be taken to prevent instances of disclosure that jeopardize the personal privacy of the employee to the extent possible consistent with the protection of students and other employees.

### **Appeal Procedures**

If the Superintendent or designee determines that the employee with a chronic infectious disease may not return to work or requires the employee to be transferred to another position, the employee may appeal to the Board in writing within 10 days of the employee's notification of such determination.

**Communications**

The Superintendent or designee will determine the dissemination of information regarding chronic infectious disease to the public, including staff members, parents, the non-parent community and the media. If information is disseminated to one group, it will be disseminated to all groups.

**Legal References:**

**56 Ill. Adm. Code 350.280**

**29 U.S.C., Sections 2601 to 2654**

**42 U.S.C., Sections 12101 to 12213**

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