

Review Your School's Employee Infectious Disease Policy

A rumor spreads at Exempli Gratia Academy (our fictional K–12 day school) that one of the employees has tested positive for Zika virus. Bombarded with questions, the School Head turns to the infectious disease policy in the employee handbook—and finds it all but worthless. The situation spurs the Leadership Team to take a look at this specific item as the first step in a full-scale policy review.

The academy's revised Infectious Disease Policy is printed below as an example. Compare this with your own policy,* adapting it to your school's particular circumstances and culture. As with any change in the school's "laws," before incorporating the policy into your employee handbook, have your school's legal counsel ensure that the policy meets federal and state requirements.

Infectious Disease Policy

Exempli Gratia Academy recognizes that infectious illnesses contracted by staff members—e.g., chronic diseases (like Ebola, Zika, HIV, and West Nile virus) or acute, short-term conditions (like chicken pox and influenza)—may have a serious impact on those who are in contact with them. The situation may also pose significant and sensitive issues for our school's community members.

As an educational institution, the school has an obligation to:

- tell our community about the nature of infectious illnesses;
- promote understanding and prevention;
- combat prejudice, hysteria, and fear;
- ensure the fair and nondiscriminatory treatment of all in our community; and
- comply with government regulations.

We have established this policy for dealing with employment issues concerning infectious illnesses.

Expectation to report illness. Employees who have been exposed to an infectious disease, and through direct or indirect of indirect contact may infect others, are required to follow state regulations and inform the School Head of their potential illness.

Continuation of employment. An employee who has contracted an infectious illness will continue to work on-campus so long as he or she:

- does not pose a substantial health risk to him or herself, to students, or to any member of the school community; and
- can, with reasonable accommodation, perform the essential duties of his or her position.

The Americans with Disabilities Act addresses the challenge of determining what constitutes "reasonable accommodation."

All decisions concerning an employee's fitness to work will be made individually by the School Head in consultation with appropriate medical personnel, including but not limited to the school physician.

Accommodation. An employee may be unable to maintain acceptable performance standards because of an infectious illness. The school will work with the individual and make a reasonable effort to accommodate any special needs, with the goal of facilitating a return to, and maintenance of, acceptable performance standards. Accommodations might include modified job attendance requirements, alterations in school program, or others. The School Head will decide on such accommodations in consultation with the school's legal counsel, based on guidelines developed by the Centers for Disease Control and the State Department of Public Health.

Confidentiality. Only persons with an absolute need to know (e.g., the employee's immediate supervisor) shall have medical knowledge of a particular case. The Head, in consultation with the infected employee, determines who to inform and how to preserve confidentiality.

Expectations of other school employees. All employees will be expected to continue to work with an employee with an infectious illness, once the school has determined the individual does not pose a threat to the health and safety of others.

The employee with an infectious condition should be treated with compassion and understanding. School employees must not harass or otherwise discriminate against this individual. Any employee who does not adhere to these requirements is subject to disciplinary action.

Leave from the school. The employee shall be given paid leave from the school under these circumstances:

- the school cannot adequately meet the needs of the employee; and
- documented medical evidence demonstrates that the employee's continued attendance in classes or at work poses a threat to the health and safety of the employee and others.

Return to work. An employee on leave may return to work if his or her condition has improved so that:

- he or she can perform the required duties; and
- the infectious illness no longer endangers the health and safety of the employee and others in the school community.

The School Head, in consultation with the employee and appropriate medical personnel, decides if the employee may return. Direct questions about this policy to the School Head. [IG-P](#)

This article does not constitute legal advice. As with all legal matters, the school should consult with its legal counsel for formal guidance and to make sure your policy complies with current law and meets the potential needs of your school.

Sources and Guidelines

“Communicable Disease Guide for Schools and Child Care Settings” (<https://bit.ly/2ZLexno>)

“Control of Communicable Disease in the School Setting: Guidelines” (<http://bit.ly/30gYAp8>)

“Communicable Disease Reference Guide for Schools: 2016 Edition” (<http://bit.ly/2VapqQZ>)

“Addressing Biological Hazards That May Impact Students, Staff, and Visitors” (<http://bit.ly/2ZL2sP1>)

“Specific Laws and Regulations Governing the Control of Communicable Diseases” (<http://bit.ly/2PDXjnp>)

“A CDC Framework for Preventing Infectious Diseases: Sustaining the Essentials and Innovating for the Future” (<http://bit.ly/2J7my06>)

“Outline of Key Provisions in OSHA’s Infectious Diseases Regulatory Framework” (<http://bit.ly/2vr3jGL>)

“Sample Policy on Infectious Diseases” (<http://bit.ly/2J28eWq>)

* See “School Head and Board Roles in Shaping an Effective Employee Handbook,” *Ideas & Perspectives*, 34-14-53.