

## **CHAPTER 6.00 - PERSONNEL**

**6.90**

### **SCHOOL BOARD EMPLOYEES WITH HIV, AIDS, OR OTHER COMMUNICABLE DISEASES**

#### **POLICY:**

- (1) It is the School Board's intent to protect employees and students from exposure to infectious diseases, to risk occasioned by infectious diseases, and to provide reasonable accommodations to infected School Board employees.
- (2) It is recognized that employees with any illness, including (HIV) infected persons, may wish to continue to work. HIV-positive employees who are not debilitated or exhibiting symptoms that would facilitate the transmission of the virus will remain in their current jobs. If it becomes necessary, reasonable accommodations shall be made to enable the qualified individual to continue to work.
- (3) All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need-to-know.
- (4) Employee Guidelines and Procedures
  - (a) Statement of Purpose and Scope. This section establishes the policy of the School Board for working with employees who have a communicable disease such as Hepatitis B, HIV, or AIDS, etc. and is applicable to all employees of the School Board.
  - (b) Employee Policy. The School Board recognizes that employees with life-threatening illnesses, including, but not limited to, cancer, heart disease, and AIDS-related illnesses may wish to continue to work. As long as employees are able to meet acceptable performance standards, and medical evidence indicates that their condition is not a threat to themselves or others, employees shall be assured of continued employment.

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- (c) Training and Education. Medical studies show that HIV infection is transmitted via contact with body fluids (especially semen, preseminal fluid, blood, and menstrual flow) of an infected person. To date, there is no record of transmission of the AIDS-associated virus (HIV) to co-workers, clients or consumers in offices, schools, factories, construction sites or other workplaces. There is no evidence of casual transmission by sitting near or working in the same office or sharing the same water fountain, telephones, toilets, eating facilities or office equipment with a person infected with HIV.

Many of the problems that arise in the workplace when employees are confronted with a fellow employee who has become HIV infected are caused by lack of knowledge about the disease and misunderstanding of the way in which it is transmitted. The only means of combating this fear is education. Supervisors should make a concerted effort to educate themselves as to the facts regarding HIV infection and how it is and is not transmitted and, further, should make the same effort to educate their employees. Any information needed will be furnished by the School Board office. Supervisors should be sensitive and responsive to co-workers' concerns, and emphasize employee education.

- (d) Confidentiality. The School Board realizes that an employee's health condition is personal and confidential. Personnel and medical files or information about employees are exempt from public disclosure. In addition, information relating to a specifically named individual, the disclosure of which would constitute an unwarranted invasion of personal privacy, is prohibited. Thus, special precautions should be taken to protect such information regarding an employee's health condition in order to prevent instances of disclosure that may invade the personal privacy of employees. Unless specifically authorized by the employee, release of such information shall only be made in emergency situations to personnel who have a significant exposure to the blood or body fluids of the person. Written authorization of such release should be kept in a confidential file under lock and key, in the Superintendent or Health Department Director's office.

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- (e) Circumstances Warranting Special Action. No employee is prohibited from reporting for duty solely because the employee has been diagnosed as having HIV or AIDS, (including clinical evidence of infection with the AIDS-associated virus (HIV). However medical reports and information relative to the employee's condition shall be regularly examined and monitored by school authorities (health officials designated by the Superintendent and County Health Department Director). If an employee so diagnosed evidences any of the following conditions, the Superintendent of School may, with consent of the employee, convene an Advisory Panel for the purpose of making recommendation on the most appropriate work assignment for the employee:
1. Manifestation of clinical signs and/or symptoms which indicate progression of the illness;
  2. Demonstration of behavior risky or harmful to self or others;
  3. Demonstration of unstable or decompensated neuropsychological behavior;
  4. Presence of open wounds, cuts lacerations, abrasions, or sores on exposed body surfaces where occlusion cannot be maintained; and,
  5. Impairment of gastro-intestinal and/or genito-urinary function such that control of internal body fluids cannot be maintained.
- (f) Composition of the Advisory Panel:
1. Superintendent of Schools;
  2. Director and Health Officer of the Health Department or designee;
  3. Attending physician of the employee with HIV infection;
  4. Infections disease specialty physician, when and as determined by the Superintendent as appropriate;
  5. Other School District Health Services staff, when and as determined by the Superintendent as appropriate;
  6. The employee when as appropriate or requested, who should not be an official member of the Panel; and,
  7. Case Manager (optional).

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- (g) Panel Responsibilities:
1. Review employee's medical history and current status (note: employee identity dependent upon written release);
  2. Review available social data, prior school assignments, employment history, etc.;
  3. Discuss with employee the employment options, as applicable, considering risks and benefits;
  4. Reduce findings, options, and recommendations to writing and review draft report before submission to Superintendent, focusing on key issues, unresolved problems, if any, and summary recommendations;
  5. Submit written report to the Superintendent within fourteen (14) days and remain available as needed; and,
  6. Re-evaluate each Panel case on a continuing basis at least once every six (6) months and more often when circumstances change in the categories listed in (4)(e) above.

The general intent is that the Advisory Panel is to serve as an expert professional resource to advise the Superintendent in special situations where information about appropriate environment may not be available, complete, clear or readily amendable to lay interpretation. It is expected that recommendations of the Advisory Panel shall be based solely upon current medical and employment information consistent with established ethical guidelines and considerations in accordance with extant guidelines of the Center for Disease Control and Prevention and other scientific and relevant professional bodies.

- (h) In the event the employee refuses to authorize release of information to the Panel, the Superintendent shall request a review by the County Health Officer. If the County Health Officer determines that students or school personnel are likely to be significantly exposed to blood or body fluids of the employee, the Superintendent may proceed with establishment of the panel, notwithstanding the refusal of the employee.

(i) Panel Protocol

1. If the Superintendent determines that any one of the conditions in (4)(e) exists, the employee in question will be placed on special assignment for no longer than five (5) work days.
2. Within the five (5) work-day period (equivalent to one calendar week), consent for release of medical information will be obtained and past medical history, laboratory tests, and other relevant records will be provided to and reviewed by the Director of the Health Department and other physicians as appropriate. Critical medical tests and other procedures will be conducted during this period by the Director of the Health Department or other medical practitioners as warranted.
3. Based on results and medical interpretation of the employee's current status, the Director of the Health Department (and other consultants as appropriate) will advise the Superintendent within five (5) days whether a continuation of special assignment is, or is not, warranted.
4. If medical review indicates that continuation of special assignment is not indicated, the employee will return to regular status at the end of the five (5) work-day initial review period or upon the determination of the Superintendent, whichever is sooner.
5. If medical review indicates that continuation of special assignment is warranted, the employee will remain on special assignment for a period not to exceed fifteen (15) additional work-days (equivalent to three (3) more calendar weeks).
6. During the twenty (20) work-day review period, the Superintendent will arrange the following steps in preparation for Advisory Panel review:
  - (a) Alert Advisory panel for forthcoming meeting to be scheduled;
  - (b) Obtain written authorization from employee to contact attending physician for medical information;
  - (c) Obtain signed consent from employee to permit release of information from attending physician and others to Superintendent of Schools.

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- (d) Receive relevant medical and social information about the employee with HIV infection and maintain same in strict confidence.
  - (e) Circulate confidential information about the HIV-infected employee to the Advisory Panel members only.
  - (f) Schedule and notify the Advisory Panel members of initial review meeting, at date, time and location suitable to all (To be set up only when complete medical information has been obtained and circulate in advance to all Advisory Panel Members).
  - (g) Any report of information received by the Superintendent from the Department of Health and Family Services, or from any other source, regarding AIDS or HIV relating to an employee shall be maintained in a confidential fashion and shall be released only in an emergency situation which results in significant exposure of students or school personnel to the blood or body fluids of the person. Such release may only be made directly to those persons having a significant exposure, and such persons shall be required to retain such information in strict confidence. All records regarding the condition of the employee shall be maintained in a confidential fashion in the Superintendent's office and accessible only by lock and key by appropriate personnel and shall not be available to those persons normally having access to personnel records.
- (j) Sanitation/Waste Disposal. Blood or any other body fluids including vomitus, fecal, or urinary products of any student or employee should be treated cautiously. It is required that gloves be worn when cleaning up any body fluids from any student.
1. These spills should be cleaned up with a fresh solution of bleach (no older than 24 hours; one (1) part bleach to ten parts water) or another EPA and District approved disinfectant, by pouring the solution around the perimeter of the spill.

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2. All disposable materials, including gloves, should be discarded in a manner prescribed by the County Health officer for disposal of biohazardous waste, in order to eliminate exposure of employees and students. Mops should also be disinfected with the bleach solution described above.

STATUTORY AUTHORITY: 1001.41; 1001.42, F.S.

LAWS IMPLEMENTED: 381.0098; 1001.42; 1001.43; 1002.22; 1010.305; 1011.62, F.S.  
Rule 10D-104, Florida Administrative Code – Biomedical Waste, Effective August 25, 1995, and State of Florida Statute 381.0098  
Biomedical Biohazard Waste, 1993.

STATE BOARD OF EDUCATION RULES: 6a-6.03020; 6a-6.0331

STATE DEPARTMENT OF HEALTH RULES: 64E-16

History:

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