

EUREKA COUNTY SCHOOL DISTRICT

EMPLOYEES WITH A COMMUNICABLE DISEASE INCLUDING HUMAN

IMMUNODEFICIENCY VIRUS (HIV) INFECTION

Policy

It is the policy of the District not to discriminate against any employee who has been diagnosed with a communicable disease, including an HIV infection. Generally, District employees do not need to be restricted from performing their assigned job duties if they have been diagnosed with a communicable disease, including being HIV positive, unless

1. There is evidence of an “opportunistic” or “secondary” infection or illness that may be contagious;
2. The District cannot eliminate such risks by reasonable accommodation; or
3. The communicable disease precludes employees from performing the essential functions of their job, with or without reasonable accommodation.

The District will comply with its obligations under NRS 441A.190, NAC 441A.225, and NAC 441A.245.

Procedure

If a principal, director, or other person in charge of a school knows or suspects that an employee has a communicable disease, s/he shall notify the health authority and the Superintendent/designee of the District.

Upon learning that an employee of the District has a communicable disease, including testing positive for HIV, the Superintendent/designee shall request a written certification from the employee’s health care provider that the employee is not suffering from any “opportunistic” or “secondary” disease of a communicable nature which would, in and of itself, be a basis for excluding the employee from employment. The District may periodically require updated medical certifications of “fitness-for-duty” from the employee’s health care provider, when it deems appropriate, and upon advice of counsel.

The District will not reduce the employee’s sick leave accruals for time spent obtaining these medical certifications.

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The District will, within five days of receipt of the certification or statement, return the employee to the employment position assigned to the employee for the current school year. However, if the certification or statement reveals that the employee is suffering from any “opportunistic” or “secondary” infection or disease which is transmittable to other persons in the course of ordinary employment contact in the employee’s assignment, the District may refuse to assign the employee to that employment assignment and may take whatever administrative action is deemed appropriate within the District’s policies or regulations, consistent with applicable law.

If, at any time, the District wishes more frequent examinations than those required by the employee’s health care provider for the purposes identified in preceding paragraphs, the District will bear all expenses for such examinations and the employee will not have his/her sick leave time reduced for such additional examinations.

If, at any time, the medical certification submitted by the employee’s health care provider reveals a communicable disease which poses a threat of transmission to persons through ordinary contact in the employment context, the District may exclude the employee from performing his/her normally assigned duties on the same basis that would apply to any other employee of the District.

When the medical certification submitted by the employee’s health care provider indicates that the “opportunistic” or “secondary” disease is no longer contagious, the employee shall be returned to his/her normal employment assignment.

Confidentiality

All persons involved in these procedures are required to treat all documents and any or all information obtained as confidential. All documents will be kept by the Superintendent/designee in a sealed file with access limited to only those persons receiving the written consent of the infected employee or as allowed for by NRS 441A.220. The Superintendent/designee may not reveal whether any employee of the District does or does not have a communicable disease, unless the employee consents to the release, in writing, or the release of the information is required by law. The District must report the presence or suspected presence of a communicable disease to the relevant health authority pursuant to NRS 441A.190, NAC 441A.225, and NAC 441A.245.

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Contacts

All contacts regarding the District's Communicable Disease Policy shall be referred to the Superintendent/designee.

The Superintendent/designee shall be the sole District spokesperson regarding issues involving the District's Communicable Disease Policy.

This policy is not intended to and does not alter any rights of the District or the infected employee that may exist under NRS 391, NAC 391, relevant employment contracts, or other pertinent state or federal laws.

Reference: NRS 441A.220, NRS 441A.190, NAC 441A.225, NAC 441A.245,
NRS 391, NAC 391

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