



4010

## Communicable and Infectious Diseases

### Affecting Employees

*Policy 4010*

Original Adoption: 04/11/1989

Effective Date: 09/26/2007

Revision Dates: 09/25/2007

Review Dates: 01/16/2013

#### I. PURPOSE

The purpose of this policy is to adopt measures designed to address the public concern that employees of Minneapolis Public Schools may attend their places of employment without becoming infected with serious communicable, infectious and sexually transmitted infections and diseases while respecting the rights of all students, employees, and contractors, including those who are so infected.

#### II. GENERAL STATEMENT OF POLICY

- A. Nondisclosure. Nothing in this policy shall imply or impose on an employee a duty to disclose information regarding their health status that they do not choose to disclose unless required to do so by force of federal or state law.
- B. Attendance and Assignment. It is the policy of Minneapolis Public Schools that employees with communicable diseases not be excluded from attending to their customary employment so long as they are physically, mentally and emotionally able to safely perform tasks assigned to them and so long as their employment does not create a significant risk of the transmission of illness to students, employees, or others in the school district. If a reasonable accommodation will eliminate the significant risk of transmission, such accommodation will be undertaken unless it poses an undue hardship to the school district.
- C. Circumstances and Conditions. Determinations of whether an employee's attendance or job performance creates a significant risk of the transmission of the illness to students or employees of the school district will be made on a case by case basis in consultation with District Nursing Services Managers.
1. Such decisions shall be made upon the following factors:
    - (a) The nature of the risk (how it is transmitted);
    - (b) The severity of the risk (what is the potential harm to third parties)
    - (c) The probabilities the disease will be transmitted and will cause varying degrees of harm.
  2. In addition to the factors in § II.B.1. some employees because of special circumstances and conditions may post greater risks for the transmission of infectious conditions than other persons infected with the same illness. These factors need to be taken into account and considered in assessing the risk of transmission of the disease and the resulting effect upon the employment of the employee. The district shall assess these special circumstances and conditions with the Hennepin County Public Health Department, the employee's health care



provider with prior consent of the employee and the employee. Examples include, but are not limited to, the following:

- (a) employees with oozing skin lesions;
- (b) employees who are unable to control their bodily fluids, or
- (c) employees whose disorders result in spontaneous external bleeding.

D. Information sharing.

1. Employee health information shall be shared within the school district only with those whose jobs require such information and with those who have a legitimate interest (including health and safety) in such information and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements.
2. Employee health data shall be shared outside the school district only in accordance with state and federal law and with the Student and Staff Data Protection Policy of the Minneapolis Public Schools.

E. Reporting. Minneapolis Public Schools will follow reporting requirements for communicable and infectious diseases as established by the Minnesota Commissioner of Health and the Hennepin County Health Department.

F. Prevention and Precautions. The school district shall develop and publish standard procedures for infection control at school and for educating employees about these procedures. Universal precautions shall be taught to all staff who routinely come into contact with blood or other bodily fluids. The procedures shall be developed through cooperation with health professionals taking into consideration any guidelines of the Minnesota Department of Health and Minnesota Department of Education. These precautionary procedures shall be consistent with district policies regarding blood-borne pathogens developed pursuant to the district's employee right to know policy. The district shall, with the assistance of the Commissioners of Health and Education, implement a program to prevent and reduce the risk of sexually transmitted diseases including in-service training for district staff and school board members.

G. Regulations. The Superintendent may propose regulations supporting the implementation of this policy.

***Legal References:***

- Minn.Stat. §121A.23 (Health-related Programs)
- Minn. Stat Ch. 363A (Minnesota Human Rights Act)
- Minn. Stat § 144.441-442 (Tuberculosis)
- 29 U.S.C. §794 *et seq.* (Rehabilitation Act of 1973)
- 42 U.S.C § 12101 *et seq.* (Americans with Disabilities Act)
- 42 U.S.C § 1302 *et seq.* (HIPAA- Health Insurance Portability and Accountability Act)



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*School Board of Nassau County, Fla. v. Arline*, 480 U.S. 273, 107 S.Ct. 1123 (1987)

***Cross References:***

MPS Policy 1040 (Student and Staff Data Protection)

MPS Policy 6680 (Safety, Security and Emergency Management)

MPS Policy 6691 (Communicable and Infectious Diseases affecting Students)

MPS Policy 7010 (Environmental Health and Safety)