

**WASHOE COUNTY SCHOOL DISTRICT
ADMINISTRATIVE REGULATIONS**

PERSONNEL WITH HIV INFECTION

4162

The Washoe County School District recognizes that employees with HIV infection are entitled to continue to engage in as many of their normal pursuits as their condition allows, including work. Administrators/supervisors should be sensitive to their conditions and ensure they are treated consistently with other employees, provided these employees meet acceptable performance standards and medical evidence indicates that their condition does not constitute a threat to others.

Consistent with this concern for employees with HIV infection, the school district offers the following resources available through Human Resources, Risk Management, or Health Services:

1. Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
2. Benefit consultation to assist employees in effectively managing health, leave and other benefits.
3. Privacy and confidentiality.

At the same time, Washoe County School District has an obligation to provide a safe work environment for all employees and a safe educational environment for the school district's students. Every reasonable precaution will be taken to ensure that an employee's condition does not present a health or safety threat to other employees, students, or the general public.

It is the policy of the Washoe County School District not to discriminate against an employee who is diagnosed as having HIV infection. Generally, school employees do not need to be restricted from work if diagnosed as having HIV infection, unless there is evidence of a "secondary" infection or illness or other medical evidence indicates that the employee may be contagious in the work setting and such risk cannot be eliminated by reasonable accommodation, or the illness precludes them from performing essential functions for which they were employed.

Confidentiality

All persons involved in these procedures are required to treat all documents and any or all information obtained in any manner as confidential information. All documents will be kept by the Superintendent and the Assistant Superintendent, Human Resources, in a sealed file with access limited to only those persons receiving the written consent of the employee. The Superintendent and/or the Assistant Superintendent, Human Resources, may not reveal whether any employee of the Washoe County School District does or does not have HIV infection, unless the employee consents to the re-lease of this information in writing or the release of the information is otherwise required by law.

Case Review Process

If an employee within the Washoe County School District has the HIV infection, the Superintendent or the Assistant Superintendent, Human Resources, shall request the following from the employee:

1. An agreement to provide medical records relative to the HIV infection to the Superintendent and a physician of the school district's choosing who is an immunologist. The employee must also agree to sign any and all medical releases necessary to allow the Washoe County School District Superintendent and the immunologist to obtain such records.
2. An agreement to be examined by the school district's immunologist initially and periodically, as reasonably required by the school district, in the event the employee intends to continue working. Any such examination shall be promptly undertaken at the school district's expense. The purpose of the examination shall be limited to a determination of the employee's fitness for duty and whether s/he is suffering from any "secondary" disease of a communicable nature or whether there is other medical evidence which would, in and of itself, be a basis for excluding the employee from employment. Following any medical examination of the employee, the school district's immunologist shall promptly provide the Washoe County School District with a written certification or statement specifying whether the employee is medically able to remain at or return to work on the basis that the employee is not suffering from any "secondary" disease of infection or that there is no other medical evidence which would present a communicable health hazard to the persons with whom s/he would have contact.

The Washoe County School District will, upon receipt of a favorable certification, continue the employee in his/her employment or within five (5) school days of such receipt, return the employee to the employment position assigned for the employee for the current school year. If the certification reveals that the employee is suffering from any "secondary" infection or disease that is transmittable to other persons in the course of ordinary employment contact in the employee's assignment, the Washoe County School District may exclude the employee from employment.

An employee will not have a loss in pay or sick leave time reduced for the certification process required by Section 2.

3. In the event the employee intends to continue working or return to work, written notification to his/her personal treating physician requiring said physician to send a written statement to the Superintendent following each examination or treatment. The statement must address the employee's present medical condition, expressly addressing the question of whether the employee is then suffering from any "secondary" disease or condition that is transmittable to persons through employment contact. The statement must also specify the frequency of examinations anticipated.

If at any time the medical certification submitted by the employee's treating physician reveals a communicable disease which poses a threat of transmission to persons on the basis of ordinary employment contact, the Washoe County School District may exclude the employee.

As soon as the medical certification submitted by the employee's treating physician indicates that the "secondary" disease is no longer contagious, the employee shall be examined by the school district's immunologist under Section 2 above in order to verify that the person should be returned to employment.

All Contacts

All questions concerning personnel in reference to regulation shall be referred to the Superintendent or the Assistant Superintendent, Human Resource,.

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