

EMPLOYEES WITH INFECTIOUS DISEASES

The Monterey County Office of Education (MCOE) encourages each employee to inform MCOE as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Monterey County Superintendent of Schools (County Superintendent) or designee will reasonably accommodate the needs of such individuals.

The County Superintendent or designee may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4261.1 - Personal Illness/Injury Leave)

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4112.4/4212.4/4312.4 - Health Examinations)

When informed that an employee has a disabling infectious disease, the County Superintendent or designee may request that the employee sign an authorization form compliant with State and Federal law to provide confidential medical information and records.

After MCOE's receipt of a valid, HIPAA compliant employee authorization, the County Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease in determining a reasonable accommodation of the employee's condition. The County Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others. Upon request, MCOE employees shall be provided access to any and all medical records retained by MCOE, of which the employee is subject.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

Confidentiality

The County Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. MCOE shall keep any and all protected health information and employee medical records separated from personnel records. MCOE shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

Legal Reference:

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

COURT DECISIONS

School Board of Nassau County, Fla. v. Airline, 408 U.S. 273 (1987)