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| **5.43**  | **Communicable Diseases *(Approved 3-7-1988; Revised 11-3-2003, 11-4-2013)*** This Policy is intended to prevent the transmission of communicable diseases from an employee (as defined below) to other members of the College community. An employee with a communicable disease presents a reasonably foreseeable risk of harm to others. Therefore, the College will take action in accordance with this Policy to minimize the risk of transmission and to maintain a safe campus working and educational environment. Some College departments have additional restrictions and procedures that must be followed due to the nature of the educational environment. |

  **Procedures: *(Revised 11-4-2013)***

 **5.43.1** **Definitions *(Revised 6-30-2014)***

 The term “communicable disease” shall mean an infectious disease that is readily capable of transmission to other individuals through close contact, exposure to routine secretions, and/or physical proximity on a College campus. A communicable disease may be acute (short-term) or chronic (long-term). For purposes of this Policy, the term is not intended to include diseases for which transmission is virtually eliminated as a result of the application of standard universal precautions (e.g., HIV/AIDS).

 For purposes of Policy 5.43, the term “employee” shall include all College employees, students hired as employees, outside or independent contractors, individuals retained or hired by contractors, sub-contractors, sole-proprietors, service providers, and volunteers performing a service for the College.

 The term “Assessment Team” shall mean a multi-disciplinary team convened to review and assess the employee’s communicable disease and its effect on the College community.

 The terms “others” or “others in the College community” shall mean employees, students, and visitors to the College or any of its satellite facilities or properties.

####  5.43.2 Disclosure

 If an employee becomes aware that he/she has a communicable disease, that employee shall self-report to the Director of Human Resources. A College supervisor who has personal knowledge that a College employee has a communicable disease must also report this fact to the Director of Human Resources.

####  5.43.3 Assessment

 Upon receipt of a report that an employee has a communicable disease, the Director of Human Resources is authorized to exclude any employee from

College property until a multi-disciplinary team (“Assessment Team”) is

convened to review and assess the employee’s condition. The employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee’s status as set forth below.

 The Director of Human Resources must convene the Team within a reasonably prompt period of time after receiving a report that the employee has a communicable disease. The Team should be convened within five (5) business days, if not sooner. The Assessment Team will be comprised of the following persons: (1) the employee; (2) the Director of Human Resources or designee; (3) a College-selected physician or other consultant with knowledge of the particular disease; (4) the employee’s health care provider; and (5) other advisers for the parties, upon request, at their respective expense. All individuals are responsible for arranging their schedules to meet at the time and place designated by the Director of Human Resources. Because of the importance of addressing the communicable disease in a prompt manner, this meeting will not be rescheduled because of the unavailability of one or more members. However, Team Members may participate remotely upon giving advance notice to the Director of Human Resources.

 The Team will assess, review, and consider the following: (1) the employee’s condition; (2) the present and future risk of transmission to others; (3) the existence and practicality of implementing precautions, methods and strategies to eliminate or reduce the risk of transmission to others; (4) the restrictions, if any, that will be required to prevent the employee from creating the risk of transmission to others; (5) whether the employee should be excluded from working on College property, and, if so, whether alternative work arrangements can be made; and (6) if warranted, the date upon which the Team will reconvene to reassess the matter.

 The Team will make its determination within three (3) working days after it has convened. The Team’s determination will be communicated in writing to the Director of Human Resources, who shall provide written notice of the determination to the employee and President of the College. If the excluded employee works for or is a subcontractor of an outside entity, then the outside entity shall be notified in writing of the determination.

 If the condition is chronic or persists for more than a short, definable period, the Team shall reassess its determination as often as the Team deems appropriate.

 This assessment process is not intended to limit or otherwise inhibit the right of the College to contact the local health authority or other public health official for guidance in handling a communicable disease situation or for direction. Directives or orders from public health officials shall supersede the assessment process in this Policy.

####  5.43.4 Consent

 To aid in its assessment, the Team may request that the employee provide a

HIPAA-compliant authorization that permits the Team to communicate with the

employee’s health care provider(s) regarding the status and effect of the employee’s communicable disease. In addition, the Team may require, at College expense and in accordance with law, the employee to undergo a physical examination and/or medical tests that are narrowly tailored to assist the Team in determining whether the employee still has a communicable disease. An employee who refuses to provide consent to enable the Team to communicate with the employee’s health care provider(s) or to undergo the required examination/tests may be subject to exclusion from employment and/or from College property, as permitted by law, until such time as consent is provided or the Team determines that the employee may be returned to work in accordance with this Policy.

####  5.43.5 Compensation During Period of Exclusion

 As noted above, the employee shall be placed on administrative leave with pay until the Team makes a determination regarding the employee’s status.

 If the Team excludes the employee from being physically present to work on College property, the Director of Human Resources will notify the employee whether that exclusion is with or without pay. Non-contractual, at-will employees will not be paid during the exclusion period, but they shall be entitled to use their available paid leave during the period of exclusion. If the Team is able to make alternative work arrangements for the employee, such that the employee is able to perform his/her regular job duties away from campus, the employee will be paid for hours actually worked. Employees under contract shall not be paid during the period of exclusion only where the law allows such denial of pay. A contracted employee who is able to perform his/her regular job duties away from campus will be expected to do so.

 Excluded employees shall, if eligible, be afforded the protection of the Federal Family and Medical Leave Act.

####  5.43.6 Return to Work

 The Team is authorized to decide that the employee may return to work if it determines that one or more of the following is true:

1. The employee no longer has the communicable disease; or
2. The communicable disease is not in the infectious or contagious stage, or (3) The communicable disease poses little to no risk of transmission in the College environment upon the application of universal precautions.

####  5.43.7 Appeal

 The employee may appeal the Team’s determination to the President of the

College by written notice within three (3) business days of the receipt of the Team’s decision. The employee shall set forth in writing all reasons as to why the Team’s decision should be modified or reversed. As part of the appeal process, the President is entitled to review all documentation produced and considered by the Team. Upon conclusion of this review, the President will issue a written decision to the Team and the employee. The President’s decision shall be final. However, if the employee believes that the actions under this Policy were taken in violation of Section 504 of the Rehabilitation Act of 1974 (“Section 504”) or the Americans with Disabilities Act (“ADA”), the employee is permitted to submit an appeal by proceeding to the final level of the College’s Grievance Policy on Section 504/ADA complaints. A copy of that Policy may be obtained from the College’s Compliance Coordinator for these laws, whose contact information is as follows:

 Director of Human Resources

 East Central College

 1964 Prairie Dell Road

 Union, MO 63084

 Phone: 636-584-6712

 An employee who is unable to resolve a problem or grievance under Section 504 or the ADA has the right to file a complaint with the Office for Civil Rights for the United States Department of Education, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, MO 65114; phone 816-268-0550.

####  5.43.8 Confidentiality

 Employees with communicable diseases have a right to privacy and a need for confidentiality of their medical information. Therefore, to preserve this right, the following rules will apply:

1. The employee’s medical condition and related information may be disclosed to those individuals who have a “need to know” the information in order to implement this Policy, to assure that proper care is provided, and/or to detect/monitor situations in which the potential for transmission of the communicable disease may increase, as well as to those individuals who are otherwise authorized to receive, or who must receive, this information under law.

1. The employee’s medical information shall be retained in a file separate from the employee’s personnel file. This separate file shall be maintained by the Director of Human Resources.

1. Willful, negligent or unauthorized disclosure of information about an employee’s medical condition will be cause for remedial or disciplinary action, up to and including dismissal.

####  5.43.9 Exposure to Blood and Bodily Fluids

 Many College employees work in programs that may regularly or commonly

expose them to blood or other bodily fluids. These employees shall follow the Centers for Disease Control Guidelines.

 All College employees shall take routine and universal precautions when there is a possibility of exposure to blood or other bodily fluids. Direct skin contact with blood or other bodily fluids should be avoided whenever possible. Employees who may repeatedly come into contact with potential sources of communicable diseases will receive specific training.