

# EMPLOYMENT REQUIREMENTS AND RESTRICTIONS PHYSICAL EXAMINATIONS AND COMMUNICABLE DISEASES

Policies and Procedures: F-V-o

## Communicable Diseases

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection) and AIDS, leprosy, and tuberculosis. Employees with communicable diseases, whether acute or chronic, shall be subject to the following provisions.

## Confirmation

The information that an employee has a communicable disease shall be confirmed by one of the following methods:

1. The employee brings the information to the college's attention.
2. The employee confirms the information when asked.
3. If the college President or designee has reason to believe that the employee has a communicable disease and is unable to perform the job or poses a threat to self or others, the employee may be asked to submit to a medical examination to determine whether the employee's physical condition interferes with the performance of regular duties or poses a threat to self or others.

The results of such an examination shall be kept confidential except that the college President or designee shall be informed of restrictions in duties and necessary accommodations. First aid and safety personnel may also be informed to the extent appropriate if the condition may require emergency treatment.

## Medical Factors

The college President or designee shall obtain medical advice from local health authorities or private physicians on:

1. The nature of the risk, i.e., how the disease is transmitted.
2. The duration of the risk, i.e., how long the employee will be infectious.
3. The severity of the risk, i.e., what is the potential harm to third parties.
4. The probabilities that the disease will be transmitted and will cause varying degrees of harm.
5. Whether the employee's condition interferes with the performance of regular duties. This determination shall be made by a physician who has performed a medical examination of the employee.

## Definitions of Person with Disabilities

"Person with Disabilities" shall mean any one who has a record of impairment, or is regarded as having an impairment, or has a physical or mental impairment that substantially limits one or more of life's major activities. Employees who would otherwise be "persons with disabilities" are not excluded from the definition solely because they are contagious.

However, an employee who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health and safety of other individuals or who by reason of the currently contagious disease or infection is unable to perform the duties of the job is not included in the definition of qualified person with disabilities.

## Qualified Persons With Disabilities

If the college President or designee determines that work restrictions, reassignment, or exclusion may be appropriate, the college President or designee shall determine whether the employee is a "person with a disability". If it is determined that an employee is a person with a disability, the college President or designee shall also determine if the employee is otherwise qualified for employment. With respect to employment, a "qualified person with a disability" is a person who, with reasonable accommodation, can perform the essential functions of the job in question.

If it is determined that an employee is a "qualified person with a disability", the employee must be reasonably accommodated. Accommodation is not reasonable if it poses undue financial or administrative burdens or fundamental alterations in the nature of the job.

**Modifications or Reassignment**

Whether an employee is disabled or not, the college President or designee, based on the medical information and the requirements of the job, shall determine what exclusion or modification in job duties or assignments are appropriate, if any.

**Exclusion From Work**

An employee may be excluded from work if the college President or designee, in accordance with this policy, determines that the employee poses a risk of contagion to other employees or students, the employee poses a threat to his or her own health by remaining on the job, or the employee's physical condition interferes with the performance of regular duties.

The employee may present evidence to the college President or designee on any information relevant to the employee's fitness to continue the performance of regular duties.

**Leave of Absence**

Employees who are excluded from work may be placed on any sick leave or temporary disability leave to which they are entitled.

**Termination of Employment**

Employees who are excluded from the work place in accordance with this policy may have their employment terminated when any sick leave or temporary disability leave to which they are entitled has expired, in accordance with appropriate policies and disability discrimination restrictions.