

Board of Trustees

Douglas County School District

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ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

It is the policy of the Douglas County School District not to discriminate against an employee who is diagnosed as having Acquired Immune Deficiency Syndrome (AIDS). Generally, school employees, including personnel service and food service staff, do not need to be restricted from work if diagnosed as having AIDS unless there is evidence of an "opportunistic" or "secondary" infection or illness that may be contagious in the school setting and such risk cannot be eliminated by reasonable accommodation or unless the illness precludes them from performing essential functions for which they were employed.

Case Review Process:

Upon learning of an employee within the District who has been identified by the individual and his/her physician as having AIDS, the Superintendent or the Assistant Superintendent for Personnel Services shall request of the employee:

1. A written certification from the employee's treating physician that the employee is not suffering from any "opportunistic" or "secondary" disease of a communicable nature that would, in and of itself, be a basis for excluding the employee from employment.
2. That the employee agrees to provide the County Health Officer and an immunologist certified to diagnose AIDS of the District's choosing, with his/her entire medical records. These records shall not be released by the Health Officer or immunologist to any other party. The employee will be requested to sign any and all releases necessary to allow the County Health Officer and the immunologist to obtain such records.
3. That the employee agrees to be examined by the immunologist and/or the County Health Officer prior to his/her return to the employment assignment. Such examination shall be promptly undertaken. The purpose of the examination shall be limited to a determination of the employee's fitness for duty; i.e., whether he/she is suffering from any "opportunistic" or "secondary" disease of a communicable nature that would, in and of itself, be a basis for excluding the employee from employment. Any such exclusion from employment will be on the same basis that any other employee employed by the School District would be excluded.

Following the medical examination of the employee, the immunologist and/or the County Health Officer shall promptly provide the District with a

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written certification or statement specifying whether the employee is medically able to return to work: i.e., is not suffering from any "opportunistic" or "secondary" disease or infection which would present a communicable health hazard to the persons with whom he/she would have contact.

The District will, upon receipt of the certification or statement, within five (5) school days of such receipt, return the employee to the employment position assigned for the employee for the current school year. Provided, however, that if the certification or statement reveals that the employee is suffering from "opportunistic" or "secondary" infection or disease which is transmittable to other persons in the course of ordinary employment contact in the employee's assignment and which would be a basis for excluding any other employee in the District system from employment contact, the District may refuse to assign the employee to that employment assignment and may take whatever administrative action deemed appropriate within the District's policies or regulation.

The District will bear all expenses for any examination required by paragraph 3. The employee will not have his/her sick leave time reduced for the certification process required by paragraphs 1 through 4.

4. That the employee provide written permission to his/her personal treating physician ordering said physician to send a written statement to the District following each examination or treatment, stating the employee's present medical condition, expressly addressing the question of whether the employee is then suffering from any "opportunistic" or "secondary" disease or condition which is transmittable to persons through ordinary employment contact and specify the frequency of examinations anticipated.

If at any time the District wishes more frequent examinations than those required by the employee's treating physician, for the purposes immediately preceding, the District will bear all expenses for such examinations and the employee will not have his/her sick leave time reduced for such additional examination.

If at any time the medical certification submitted by the employee's treating physician reveals a communicable disease that poses a threat of transmission to persons through ordinary employment contact, the District may exclude the employee on exactly the same basis that would apply to any other employee of the District.

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As soon as the medical certification submitted by the employee's treating physician indicates that the "opportunistic" or "secondary" disease is no longer contagious, the employee shall be returned to his/her normal employment assignment.

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/or the Assistant Superintendent for Personnel Services, in a sealed file with access limited to only those persons receiving the written consent of the infected employee. The Superintendent and/or the Assistant Superintendent for Personnel Services may not reveal whether any employee of the District does or does not have AIDS.

All Contacts

All contacts regarding the District's AIDS Policy shall be referred to the Superintendent and/or the Assistant Superintendent for Personnel Services.

THE SUPERINTENDENT OR ASSISTANT SUPERINTENDENT FOR PERSONNEL SERVICES SHALL BE THE ONLY DISTRICT SPOKESPERSONS CONCERNING THE DISTRICT'S AIDS POLICY.

This policy is not intended to and does not affect any rights of the District or the AIDS-infected employee that may exist under Nevada Revised Statutes, Chapter 391, relevant employment contracts or pertinent state or federal laws.

Date Adopted: 03/13/90