

### **D.4.8.1 (Procedure) Communicable Diseases**

Responsible Department: Human Resources

Based on Board Policy: [D.4.8](#) - Communicable Diseases

Approved: 4-28-09

Last Amended: 11-10-16

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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), acquired immunodeficiency syndrome (AIDS), leprosy, methicillin-resistant Staphylococcus aureus (MRSA), and tuberculosis. The complete list of communicable diseases subject to this procedure is identified in rules promulgated by the Texas Department of Health, available at <http://www.dshs.state.tx.us/idcu/>.

In its employment relations, the College District recognizes the need for a response to the epidemic of infection with human immunodeficiency virus (HIV). It is the objective of the College District that everything possible be done to prevent people from being infected, to limit the consequences of established infection, and to promote compassionate care for all individuals concerned.

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 District's attention.
2. The employee confirms the information when asked.
3. If the college President or Vice Chancellor or designee has reasonable cause to believe that an employee has a communicable disease, and:
  - a. A test or medical examination is necessary as a bona fide occupational qualification and there exists no less discriminatory means of satisfying the occupational qualification, or
  - b. A test or medical examination is necessary to manage accidental exposure to blood or other bodily fluids or airborne pathogens (but only when the test or examination is conducted in accordance with Article 4419(b)-1, Section 902(d) of Vernon's Annotated Civil Statutes of the State of Texas).

"Bona fide occupational qualification" means a qualification that is reasonably related to the satisfactory performance of job duties and for which there is reasonable cause to believe that a person who tests positive would be unable to perform satisfactorily the job duties safely.

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#### **Methicillin-Resistant Staphylococcus Aureus**

An employee diagnosed with methicillin-resistant Staphylococcus aureus (MRSA) shall inform his/her supervisor before he/she returns to work after receiving the diagnosis. The supervisor shall immediately inform the college President, Vice Chancellor or Chancellor to whom the supervisor reports.

The college President, Vice Chancellor or Chancellor, through the College District safety coordinator, shall take all measures to reduce or eliminate the spread of MRSA. These measures include, but are not limited to:

1. Posting signs in common areas, including restrooms, communicating means to prevent contamination;
2. Providing germicidal hand-washing soaps in common areas; and
3. Ensuring that custodial employees receive education and personal protective equipment.

Any supervisor who becomes aware of an employee's actual or suspected MRSA infection shall notify the College District safety coordinator immediately.

#### **Medical Factors**

When it has been determined that an employee has a communicable disease, the college President or Vice Chancellor or designee shall follow standards of the state and local health departments to determine:

1. The nature, duration, and severity of the risk, i.e., how the disease is transmitted, how long the employee will be infectious, and the potential harm to self and others;
2. The probabilities that the disease will be transmitted and will cause varying degrees of harm; and
3. Whether the employee's condition prevents performing the essential functions of the job. This determination shall include a report by a physician who has performed a medical examination of the employee.

#### **Qualified Disabled Persons**

If exclusion from employment, reassignment or modification of duties are deemed appropriate, the college President or Vice Chancellor or designee shall determine whether the employee is a "disabled person." If it is determined that the employee is disabled, a further determination shall be made as to whether the employee is otherwise qualified for employment. With respect to employment, a "qualified disabled person" is one who can, with reasonable accommodation, perform the essential functions of the job in question.

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If it is determined that the employee is a “qualified disabled person,” the employee must be reasonably accommodated. Such accommodation is not reasonable if it poses undue financial or administrative burdens or if it would require fundamental alterations in the nature of the job.

#### **Exclusion, Reassignment or Modification of Job Duties**

Based on medical information and the essential functions of the job, the college President or Vice Chancellor or designee shall determine any appropriate exclusion, reassignment, or modification of job duties for an employee who has a communicable disease.

The employee may be excluded from work if the college President or Vice Chancellor or designee determines, in accordance with this procedure, that by reason of the communicable disease the employee poses a risk of contagion to others, poses a threat to personal health by remaining on the job, or is unable to satisfactorily perform the essential functions of the job. The employee may present evidence or information relevant to the question of fitness to continue the performance of the essential functions of the job.

#### **Leave of Absence**

Employees excluded from work in accordance with this procedure may be placed on any sick leave, temporary disability leave, or other leave to which they are entitled.

#### **Termination of Employment**

Employees excluded from the workplace in accordance with this procedure may have their employment terminated when any sick leave or other leave to which they are entitled has expired, in accordance with appropriate policies.

#### **Precautionary Measures**

It is the responsibility of various units requiring special cleanup procedures and precautionary measures to develop, distribute, and adhere to said procedures.

#### **Communicable Disease Coordinator**

The communicable disease coordinator for the College District is the District Safety Coordinator, 201 W. Sheridan, San Antonio, TX 78204, Telephone: 210-485-0068

*Legal Reference - TACC Policy Reference Manual*

DBB(LEGAL) - Employment Requirements and Restrictions: Medical Examinations and Communicable Diseases