

**CLASSIFICATION: All Personnel****ADOPTED: 1/27/88****REVISED: 2/6/19****REVIEWED:****SUBJECT: Communicable, Contagious, or Infectious  
Disease Control for All Employees of the  
County Superintendent of Schools****PAGE: 1 of 6**

The County Board of Education and the county superintendent of schools fully recognize that each employee must be physically and mentally able to perform duties and responsibilities of his/her position. The county superintendent of schools will take reasonable action to protect the safety and welfare of students, employees, and visitors in schools and programs operated by the county superintendent of schools.

The county superintendent of schools recognizes that legal protections established for people with disabilities extend to individuals significantly impaired by infectious diseases. No employee will be discriminated against because of an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act.

The county superintendent of schools encourages each employee to inform the assistant superintendent, Human Resource Services, as soon as possible if an employee contracts an infectious disease that creates a physical or mental disability. The San Diego County Office of Education (SDCOE) requires a physician's release-to-return-to-work slip after being absent five days. The return-to-work slip shall be reviewed by a medical representative of SDCOE. If the physician's release-to-return-to-work slip suggests an illness that may be communicable, contagious, or infectious, a return to work evaluation can be requested by the medical representative of SDCOE. In addition to return-to-work physicals, fitness-for-duty evaluations can also be scheduled by SDCOE. This is an alternative way for an individual with a medical problem to be examined and/or evaluated when a supervisor notices a job performance problem (after a medical concern determination has been made). The employee should report the medical concern to his/her immediate supervisor. This information then should be routed through the assistant superintendent, Human Resource Services. Further medical evaluations by the medical representative of SDCOE will be made and SDCOE will reasonably accommodate the needs of such individuals.

Actions taken regarding employees infected with a serious communicable, contagious, or infectious disease shall be made on a case-by-case basis after factual inquiry. No employee infected with a serious communicable, contagious, or infectious disease shall be excluded from the workplace in offices, schools, or programs operated by the county

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superintendent of schools unless the results of the individual review and evaluation by a physician representative of SDCOE demonstrate that the employee is unable, even with reasonable accommodations, to perform his/her job responsibilities because of the illness; the presence of that employee will be potentially harmful to the welfare of other employees or pupils; or there is compelling reason to lawfully exclude the employee.

It is the intent of the county superintendent of schools to cooperate with local health authorities, other governmental agencies, school and community college districts, employees, students, parents/guardians, and community members to provide educational materials, inservice trainings, and recommended procedures for the prevention and control of severe communicable, contagious, or infectious diseases.

The county superintendent of schools or a designee shall be the authorized spokesperson of SDCOE for matters relating to severe communicable, contagious, or infectious diseases of employees in offices, schools, and programs operated by the county superintendent of schools.

The county superintendent of schools shall develop administrative regulations that ensure:

1. Confidentiality of medical information, as required by law
2. Rights to privacy for the individual, as required by law
3. Due process for the individual, as required by law
4. Dissemination of preventive disease-control information and resources
5. Inservice training in disease-prevention techniques
6. Implementation of precautionary procedures for the prevention and control of communicable, contagious, or infectious diseases

This policy will also be applied before any applicant who is known to have a communicable, contagious or infectious disease is rejected for employment by reason of that communicable, contagious, or infectious disease.

The county superintendent of schools or a designee shall ensure state and federal standards are met for dealing with bloodborne pathogens and other potentially infectious materials in the workplace, and shall determine which employees have

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occupational exposure to bloodborne pathogens and other potentially infectious materials. The county superintendent of schools or his/her designee shall establish an exposure-control plan designed to protect employees from possible infection from contact with bloodborne viruses, including human immunodeficiency virus and hepatitis B virus. The SDCOE exposure-control plan shall be accessible to employees upon request.

The exposure-control plan for blood-borne pathogens of SDCOE shall contain at least the following elements:

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials. This determination shall be made without regard to the use of personal protective equipment and shall include:
  - a. All job classifications in which all employees have occupational exposure to bloodborne pathogens
  - b. Job classifications in which some employees have occupational exposure, including all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are performed by these employees
2. A description of the method for implementing exposure-control requirements, including, but not limited to:
  - a. Universal precautions to protect employees, students, and other persons from contact with potentially infectious blood or other body fluids
  - b. Engineering and work practice controls
  - c. Personal protective equipment
  - d. Housekeeping schedules
  - e. Hepatitis B vaccination
  - f. Post-exposure evaluation and follow-up
  - g. Informing employees about biohazards, including:
    - (1) Labels and signs

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- (2) Training
  - h. Maintenance of training and medical records
- 3. The SDCOE procedure for evaluating circumstances surrounding exposure incidents
- 4. An effective procedure for gathering information about each exposure incident involving a sharp, as required for the log of sharps injuries
- 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents documented in the sharps injury log
- 6. An effective procedure for identifying currently available engineering controls and selecting such controls as appropriate for the procedures performed by employees in their work areas or departments
- 7. An effective procedure for documenting instances when a licensed health care professional directly involved in a patient's care determines, in the reasonable exercise of clinical judgment, that the use of an engineering control would jeopardize an individual's safety or the success of a medical, dental, or nursing procedure involving the individual
- 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The county superintendent of schools or a designee shall review this policy and related administrative regulation at least annually and whenever necessary to:

- 1. Reflect new or modified tasks and procedures affecting occupational exposure
- 2. To the extent that sharps are used at SDCOE, reflect progress in implementing the use of needleless systems and sharps with engineered sharps-injury protection

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3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure-control plan is deficient in any area

**Administrative Regulation: 4009**

**Derivation: Former Board Policy No. 4400, Adopted 1/27/88 and Amended 5/11/94. Amended and Renumbered 4009, 5/10/95. Amended 12/10/97, 2/6/19.**

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Legal Reference: Civil Code

56-56.37

Government Code

12900-12996

Health and Safety Code

120975-121020

California Code of Regulations, Title 2

11064-11073

California Code of Regulations, Title 8

3204 and 5193

California Code of Regulations, Title 17

2500 and 2508

Code of Federal Regulations, Title 29

1910.1030

Rehabilitation Act of 1983

29 U.S.C. 701 et seq.

Americans with Disabilities Act

42 U.S.C. 12101 et seq.

*School Board of Nassau County v. Arline*, 480 U.S. 273 (1987)

*Chevron U.S.A. v. Echazabal*, 536 U.S. 73, 122 S.Ct. 2045 (2002)