

# Personnel Policy Bulletin

Lancaster County

Number: 2001-5

Date: November, 2001

Reference:	Title:
Personnel Rule 10.5 Americans with Disabilities Act of 1990 Supersedes Personnel Policy Bulletin 88-2	LANCASTER COUNTY INFECTIOUS DISEASE POLICY

## **Definition:**

Infectious disease refers to persistent conditions which are communicable in nature and are able to produce serious illness in another person. The nature of the infectious disease and its means of transmission must be considered for each specific illness.

## **Policy:**

The County recognizes its responsibility for providing a safe environment for employees. The County bases all procedures for management of infectious disease on the current recommendations of the Centers for Disease Control.

All blood and body fluids should be considered infectious and persons coming in contact with these fluids should take recommended precautions. The City/County Health Department will assess the risk of any infectious disease and authorize any appropriate vaccination if necessary.

Employees with infectious disease are subject to the same working conditions and performance requirements as any other employee. If an employee is unable to perform assigned duties, a Department Head request for medical evaluation may be required to determine fitness for work. Such examination would be at the expense of the County and performed on business time by a physician selected by the County. Employees with infectious disease are entitled to personnel benefits to the extent they are otherwise eligible subject to any disqualifications by life and health insurance companies and equal employment opportunity policies to the extent provided for in federal and/or state law.

## **Employment Duties and Responsibilities:**

Employment decisions should be made on the basis of the job related criteria. No employee or applicant who is qualified and able to perform their job responsibilities without threatening the safety of themselves or others will be denied employment, deprived of employment benefits, denied promotions or be discharged as a result of a diagnosis of an infectious disease.

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No Department, Board or Agency shall require routine screening of employees or applicants for the antibody to the AIDS virus as a requirement of employment.

If their condition affects their ability to perform assigned duties, employees with infectious disease are to be treated as any other disabled employee in accordance with the Americans with Disabilities Act and any other applicable federal and/or state law.

Any employee who is diagnosed as having an infectious disease which may, according to the Center of Disease Control recommendations, be transmitted in the work place should inform his/her supervisor of such within a reasonable time after diagnosis with a written statement from their physician documenting the employee's ability or inability to perform assigned duties without transmitting that infectious disease. In this regard, one (1) calendar day or prior to the next scheduled work shift is considered to be reasonable time.

When the Department Head or Personnel Director has a reasonable cause to believe that an employee is unable to perform duties or is endangering the health and safety of others because of an infectious disease, he/she may request a medical exam to clarify the employee's status and to guide future decisions regarding the employee. The results of such a medical exam will be held strictly confidential. To insure strict confidentiality such information should be limited to the Department Head, Personnel Director and employee with the exception that the County Attorney may be consulted should the situation warrant. All records of such exam must be kept in a file separate from all other personnel files in accordance with the Americans with Disabilities Act.

Employees with infectious disease are entitled to all employment benefits to the extent they are otherwise eligible subject to any disqualifications by life and health insurance companies.

## **Work Place Safety:**

Should an employee(s) express concern over personal safety and health because of a person with an infectious disease in the work place, supervisory staff will contact the City-County Health Department for specific information and recommended precautions.

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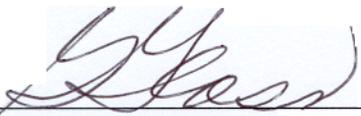
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This information should be shared or presented to employees in that Department as appropriate. An employee who refuses to work because of their belief that such work puts them at risk of exposure to infectious disease, when reasonable risk cannot be demonstrated, should be advised that such action constitutes an unwarranted fear and should be instructed to proceed with his/her job responsibilities. The supervisor should also direct the employee to knowledgeable professionals who can discuss etiology, transmission, and employee concerns. Similarly all staff shall carry out their assigned duties so as to insure that all services are provided.

Employees should be advised that refusal to work with a person with an infectious disease is not a valid excuse from completing work responsibilities if/when no reasonable risk of disease transmission can be demonstrated. If an employee fails to execute his/her normally assigned duties following a lawful order to do so, the Department Head may proceed with appropriate disciplinary action as authorized by these rules and/or appropriate labor contract. Adequate documentation to support disciplinary action taken against an employee shall be maintained in the Department's Personnel files as well as the City-County Personnel files.

  
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Georgia Glass, Personnel Director

11-9-01  
Date

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