
AURORA PUBLIC SCHOOLS
Adopted January 1978
Recoded February 1999
Revised April 2004
Revised November 2007
Revised September 2021

APS Code: GBGA

STAFF HEALTH AND SAFETY

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The Board of Education seeks to ensure the safety of employees during working hours and assist them in the maintenance of good health. Employees are encouraged to maintain good health and practice good health habits.

The chief personnel officer is generally responsible for matters involving employee safety and health. Where questions arise regarding confidentiality of medical information, including whether a staff member with a serious communicable disease poses a direct threat to others and the nature of appropriate measures for addressing concerns attendant to serious communicable diseases, only the superintendent, the chief personnel officer or designee shall speak for the district.

Pre-employment Health Examinations

Subsequent to a conditional offer of employment and prior to commencement of work, the school district may require an applicant to have a medical examination (physical and/or mental), including a tuberculin test, at school district expense, and to meet any other health requirements imposed by the state. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subjected to such examination.

Post-employment Health Examinations

A special health examination or test may be required whenever an employee has or is suspected of having a physical and/or mental condition, disease, or illness which may interfere with the employee's ability to perform essential job-related functions or may be detrimental or pose an unacceptable risk to the health, safety, or welfare of the employee, other district employees, or students. Where the employee cannot perform the essential functions of the job with reasonable accommodation or medical evidence establishes that the employee's condition poses a significant risk to the health, safety, or welfare of the employee or others, the school district may take action to suspend and/or terminate the employee, in accordance with applicable law and policies and procedures.

Employees in food-handling positions who have a communicable disease which is included on the Centers for Disease Control (CDC) "List of Pathogens Transmitted Through Food Handling" may be reassigned to a nonfood-handling position for which they are qualified or terminated if no appropriate position is available.

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In addition, an employee may be required to provide a statement from a qualified physician and to demonstrate that he or she is physically or mentally capable of doing the work required of his or her position with or without reasonable accommodation. Any special examination or test required under this school policy shall be performed by a qualified physician, mental health provider or other professional selected by the district. The school district will pay the costs of any such required special examination or test.

Confidentiality

Any information regarding the medical condition or history of an employee or an applicant for employment must be collected and maintained on separate forms and treated as confidential medical information. Such information shall not be disclosed except to those with a need to know, including to an employee's supervisor where restrictions or accommodations regarding the work or duties of the employee are necessary. If appropriate, first aid and safety personnel may be informed if an employee's medical condition might require emergency treatment. All such disclosures shall be authorized in advance by the chief personnel officer or designee. A custodian of such records may be designated to limit and monitor access to such information in accordance with this policy.

Medical information received by district employees through assisting employees in the filing and processing of insurance or disability claims or in obtaining other benefits shall be strictly confidential and shall not be disclosed except as authorized in accordance with this policy or in writing by the employee.

Precautions Against Transmission of Contagious Diseases

Determinations of whether an employee with a communicable disease poses a direct threat to the health and safety of other District personnel or students shall be made in accordance with the accompanying regulation. In addition, where District staff is involved in the handling of bodily fluids and substances, procedures set forth in Policy EBBA shall be followed. No distinction shall be made between bodily fluids from individuals with a known illness and those from asymptomatic or undiagnosed individuals.

LEGAL REFS: C.R.S. 22-3-101
 C.R.S. 22-32-110(1)(k)
 C.R.S. 24-4-1402 et seq.

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LEGAL REFS: Section 504, Rehabilitation Act of 1973, 20 U.S.C. 794
Americans with Disabilities Act, 42 U.S.C. 12101 et seq.

CROSS REFS: EBBA, Prevention of Disease/Infection Transmission
JLCC, Student Communicable and Infectious Diseases

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**ADMINISTRATIVE PROCEDURES FOR DEALING WITH EMPLOYEES WITH
COMMUNICABLE AND/OR LIFE-THREATENING DISEASES**

Health Education

Accurate information regarding medical conditions is essential for administrators to make good judgments and provide appropriate responses to an ill employee and the school community. The health services department will obtain and disseminate, as appropriate, information from public health officials regarding communicable and/or life-threatening diseases.

Reporting Responsibilities

In specific cases of an employee afflicted with a serious communicable or life-threatening disease, the chief personnel officer or designee will serve as the contact person for the employee, his or her supervisor, and co-workers for information and resource persons/agencies to address concerns related to the employee's condition.

Identification of Ill Employees

Communicable diseases may be divided into two categories, those that are readily transmissible in the school environment and those that are not. Readily transmissible diseases include influenza, common colds, and other respiratory infections. Although the incidence of serious or life-threatening illnesses that are readily transmissible in the school environment is low, diseases that are transmitted by airborne droplet, such as measles, active tuberculosis, COVID-19 and whooping cough (pertussis), can pose a serious threat to the health of other employees and students.

Employees with influenza, common colds, or other easily transmissible minor respiratory infections are encouraged to take appropriate medical leave to avoid further spread of such infections. Employees afflicted with a serious, readily transmissible disease or condition are encouraged to self-report the existence of the condition or illness.

If a supervisor or other employee receives information that an employee is affected by a serious communicable and/or life-threatening disease or condition, the supervisor or employee will immediately notify the chief personnel officer or designee. The chief personnel officer or designee will, where s/he deems it necessary, contact appropriate public health officials to determine what measures, if any, are required to protect the safety and health of the employee, other employees, and students.

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Required Staff Vaccinations

In the event federal, state or local health officials declare a public health emergency and/or the existence of life-threatening (or serious) illness has impacted school and district operations, the Superintendent may require staff be vaccinated as a means to mitigate disease transmission. Consistent with state and federal law, employees in need of an exemption due to a medical reason or religious beliefs may submit a request for workplace accommodations to the Division of Human Resources to begin the interactive process as soon as possible after vaccination deadlines have been announced. Accommodations will be granted where they do not cause APS undue hardship or pose a direct threat to the health and safety of others.

Contingent upon the nature of the public health emergency, the Superintendent and/or designee shall establish procedures to ensure staff adherence to the vaccination requirement.

Determination of Fitness for Continued Duty

If there are indications that the employee's disease or condition prevents the employee from performing essential job functions or poses a direct threat to the health or safety of students or other employees, based on consultation with public health officials and other medical professionals, the chief personnel officer or designee may require that the employee submit to an appropriate medical examination. The cost of this required examination will be paid by the district. This examination will include appropriate medical tests and additional documentation of the staff member's condition relative to fitness for employment involving contact with students and other employees and his or her ability to carry out assigned duties. Where the medical tests reflect the existence of a communicable disease, the determination whether the employee is otherwise qualified for duty must be based on reasonable medical judgments given the state of medical knowledge, about (a) the nature of the risk (how the disease is transmitted), (b) the duration of the risk (how long the carrier is infectious), (c) the severity of the risk (what is the potential harm to third parties), (d) the possibility the disease will be transmitted and will cause varying degrees of harm, and (e) the employee's ability to perform essential job functions with or without reasonable accommodations.

During the time in which the medical examination and determination of fitness for employment are being conducted, the employee may be placed on administrative leave with pay by the chief personnel officer or designee. The suspension of employment will remain in force until the issues prompting the suspension have been resolved.

Where the employee meets the definition under Section 504 of the Rehabilitation Act of a "handicapped individual" or an "individual with a disability" under the Americans with Disabilities Act, and where the employee is otherwise qualified as defined by those Acts, the district will make

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any reasonable accommodations required by law that will permit the employee to perform the essential functions of the job.

Provision for Return to Duty

If, after appropriate consideration of the issue, it is determined that an employee afflicted with a communicable disease of a serious nature does not pose a direct threat to the health or safety of others and is determined to be capable of performing the essential functions of the position without posing a direct threat to his or her own health or safety, the chief personnel officer or designee will determine whether other district staff have a need to know of the employee's condition and which staff members should be so informed. Such determinations will be based on reasonable medical judgments and upon the need to appropriately supervise the employee.

The employee's supervisor may be informed regarding necessary restrictions and reasonable accommodations to be observed in the work setting. A regular schedule of medical examinations may be required pursuant to policy.

Provision for Discontinuation of Employment

If, on the basis of appropriate professional advice, an employee is determined to be unfit for continued duty (i.e., incapable of performing the essential functions of the position or poses a direct threat to the health or safety of him or herself or to others, including the failure to adhere to mandated vaccination), he or she will be entitled to use of accrued leave and vacation as outlined in policy and negotiated agreements.

If all accrued leave and vacation options are exhausted and the employee is not deemed fit to resume duties, employment will be terminated through the employee's resignation/retirement or Board of Education action including initiation of dismissal proceedings. Proceedings to dismiss an employee for reasons of medical disability shall comply with the requirements of Colorado and federal law, relevant district policies, and applicable negotiated agreements.

All information regarding an employee's medical condition shall be collected on separate forms and maintained in a separate file, and shall be treated as confidential information. Identity of an employee afflicted or suspected to be afflicted with a contagious disease shall be strictly confidential. Medical information will be disclosed only in accordance with the procedures set out in applicable federal and state law and this policy and when authorized by the superintendent, the chief personnel officer or designee. Only the superintendent, the chief personnel officer or designee can speak for the district regarding these matters.