

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**POLICY No. 428
CLASSIFIED STAFF**

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

It is the policy of the Carson City School District not to discriminate against an employee who is diagnosed as having Acquired Immune Deficiency Syndrome (hereinafter "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 the illness precludes them from performing essential functions for which they were employed.

Case Review Process

Upon learning of an employee within the Carson City School District who has been identified by the individual and their physician as having AIDS, the Superintendent or the Personnel Officer of the Carson City School District 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 which would, in and of itself, be a basis for excluding the employee from employment.
2. That the employee agrees to provide the Carson City School District Medical Officer and an immunologist certified to diagnose AIDS of the School District's choosing, with their entire medical records. The employee will be requested to sign any and all releases necessary to allow the Carson City School District Medical Officer and the immunologist to obtain such records.
3. That the employee agrees to be examined by the immunologist and/or the Carson City School District Medical Officer prior to their 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 the employee is suffering from any "opportunistic" or "secondary" disease of a communicable nature which 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.

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Following the medical examination of the employee, the immunologist and/or the Carson City School District Medical Officer shall promptly provide the Carson City School District with a 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 they would have contact.

The Carson City School 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 any “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 Carson City School District may refuse to assign the employee to that employment assignment and may take whatever administrative action deemed appropriate within the Carson City School District policies or regulations.

The Carson City School District will bear all expenses for any examination required by paragraph 3. The employee will not have their sick leave time reduced for the certification process required by paragraph 1 through 4.

4. That the employee provide written permission to their personal treating physician ordering said physician to send a written statement to the Carson City School 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 Carson City School District wishes more frequent examinations than those required by the employee’s treating physician, for the purposes immediately proceeding, the Carson City School District will bear all expenses for such examinations and the employee will not have their sick leave time reduced for such additional examinations.

If at any time the medical certification submitted by the employee’s treating physician reveals a communicable disease which poses a threat of transmission to persons through ordinary employment contact, the Carson City School District may exclude the employee on exactly the same basis that would apply to any other employee of the Carson City School 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 their 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 personnel office of the Carson City School District, in a sealed file with access limited to only those persons receiving the written consent of the infected employee. The Superintendent and/or personnel office of the Carson City School District shall not reveal whether any employee of the Carson City School District does or does not have AIDS.

All Contacts

All contacts regarding the Carson City School District AIDS Policy shall be referred to the Superintendent and/or the Personnel Officer of the Carson City School District.

THE CARSON CITY SCHOOL DISTRICT SUPERINTENDENT OR THE PERSONNEL OFFICER SHALL BE THE ONLY CARSON CITY SCHOOL DISTRICT SPOKESPERSONS CONCERNING THE CARSON CITY SCHOOL DISTRICT AIDS POLICY.

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

Adopted: August 29, 1979