



Communicable Disease Prevention and Management Policy

I.) PURPOSE OF POLICY

[County Name] is committed to providing a safe and healthful work and community environment. In pursuit of this goal, the following Communicable Disease Prevention and Management Policy is provided to eliminate or minimize occupational exposure to communicable diseases while outlining consistent procedures for communicable disease management in the workplace.

Communicable diseases include, but are not limited to: tuberculosis; chicken pox; shingles; infectious mononucleosis; MRSA; severe acute respiratory syndrome (SARS) or other coronaviruses; measles; pertussis (whooping cough); meningitis; diphtheria, pandemic influenza and other diseases reportable to the Minnesota Department of Health. [County Name] may choose to broaden this definition within its best interest based on available data and/or in accordance with information received through the Centers for Disease Control and Prevention (CDC) or other qualified health authorities. Each case of communicable disease is different and will, therefore, be treated according to the individual facts and circumstances on a case-by-case basis.

The scope of this policy covers communicable diseases that pose a direct threat, or, a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The application of this policy is not strictly limited to this definition however, and will be assessed based on the specific facts and circumstances of the particular scenario at hand and in accordance with information received through the CDC or other qualified health authorities.

Where applicable, [County Name's] [Bloodborne Pathogens Exposure Control Plan, Respiratory Protection Program, Tuberculosis Infection Control Plan], or policies addressing applicable employee leaves of absence should be consulted, as well as federal, state, and local health authorities.

II.) RESPONSIBILITIES

A.) EMPLOYEES

- 1.) In all cases of health-related absence due to a communicable disease that poses a direct threat or its potential, or that meets criteria of comparable gravity as defined or communicated by a qualified health authority such as the CDC, the affected employee must notify Employee Relations immediately of such condition. Notice should be provided via email, phone, fax or other non-in-person method.
- 2.) Anyone who discovers evidence of or obtains knowledge of a communicable disease in the workplace that could pose a direct threat or its potential, or that meets criteria of comparable gravity as defined or communicated by a qualified health authority such as the CDC, should report such findings to [the Human Resources Department].
- 3.) Help prevent the spread of communicable disease in the workplace by practicing general hygiene and precautionary measures including staying home when sick and proper handwashing.

B.) DEPARTMENT MANAGEMENT

- 1.) Management should be sensitive to employees with these condition(s) and ensure that they are treated appropriately in accordance with County policies, official health and safety guidance, and in accordance with applicable law. Precautions should be taken to ensure that an employee's condition does not present a health and/or safety threat to other employees, clients, or the public.
- 2.) Treat employees' health condition and information as personal and private. Health data is private data, and may not be released to the public or to fellow employees without a strict observance of data privacy rights of the employee.
- 3.) Contact [the Human Resources Department] for assistance with managing a situation that may fall within the scope of this policy to ensure that each situation is handled appropriately and in accordance with current legal guidance.
- 4.) Be sensitive and responsive to employees' concerns regarding communicable disease and workplace exposure, offering employee education available through federal, state, and local health authorities.

C.) HUMAN RESOURCES

- 1.) As appropriate to the situation and in collaboration with federal, state, or local health authorities, provide education as available to management and employees on communicable diseases that are impacting the workplace. May assist in coordinating training or organizational response initiatives.
- 2.) Provide referral to and/or consult with federal, state, and local health authorities as needed.
- 3.) Provide or facilitate consultation to assist employees in managing leaves and other benefits.
- 4.) As appropriate to the situation, consult with County Facility Services to appropriately disinfect workspaces.

III.) WORKPLACE HEALTH AND SAFETY

The United States Occupational Safety and Health Administration (OSHA)'s General Duty Clause, 29 U.S.C. § 654 requires employers to provide a workplace free from recognized hazards. If the County receives notice that an employee has a communicable disease that could endanger the health of others in the workplace, or poses a direct threat to the individual or to others, it shall make decisions regarding a reasonable accommodation, if any, on a case-by-case basis, based on the health and physical conditions of the employee, and the health and safety of other persons with whom the employee will interact.

[County Name] decisions involving persons who have communicable diseases shall be based on current and informed medical judgments concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternatives for responding to an employee with a communicable disease. Federal, state, and/or local health authorities may be consulted as needed.

An employee may be excluded from the workplace when:

- a.) public health officials isolate or quarantine an employee, or
- b.) public health officials or a qualified healthcare provider advise that the employee should or must be absent from work to prevent disease transmission to others, or
- c.) additional isolation or quarantine recommendations or requirements become available from federal, state, or local health authorities.

In the instance of isolation, quarantine or recommended period of absence, it is the employee's responsibility to provide [County Name] with acceptable confirmation from a public health or other medical official of any isolation or quarantine period, or recommended or mandated period of absence, via email, phone, fax or other non in-person methods. Standard reporting, documentation, or verification requirements may be modified by the County in accordance with specific circumstances and current guidance by federal, state, or local health authorities.

If any of the above conditions a.) b.) or c.) occur, the employee may be advised not to report to work for a specified period of time. In such cases, [County Name] may require the employee to take available paid leave or unpaid leave until the specified period of time ends and until the employee meets criteria to safely return to work based on the guidance of a qualified medical authority appropriate to the situation.

An employee may return to work when criteria appropriate to the situation are met. This will generally mean that an employee may return to work:

- Following provision of a release to return to work by a qualified medical professional, or in certain situations based on meeting criteria to safely return as defined by a qualified medical authority, as appropriate to the situation; and
- Upon verification of required documentation and authorization by [Human Resources]; and
- When there is no current risk of transmission, or direct threat of the communicable disease to others; and
- Provided the employee is able to continue to perform the job position's essential functions with or without a reasonable accommodation.

[County Name] reserves the right to exclude a person with a communicable disease from the workplace facilities, programs, and functions if a reasonable determination is made that such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace or members of the public. Such actions will be taken based upon recommendations and/or requirements from federal, state, or local health authorities or guidance from a qualified healthcare provider.

Unless otherwise specified, usual attendance and leave policies and procedures, including authorized telework arrangements, as well as applicable provisions of collective bargaining agreements will remain in place. Individuals who believe they may face particular challenges reporting to work during a communicable disease outbreak should take steps to develop any necessary contingency plans. Data relating to matters of employee health and medical concerns will be handled in accordance with the law.

[County Name] prohibits illegal discrimination, harassment and retaliation against employees who have a communicable disease.

VII.) REFERENCES

Americans with Disabilities Act (ADA)

Centers for Disease Control and Prevention (CDC)

Equal Employment Opportunity Commission (EEOC)

Occupational Safety and Health Administration (OSHA)

Society of Human Resource Management. Health & Safety: Communicable Diseases Policy

The American Health Lawyers Association; Model Policy: Communicable Illness Policy #1;
healthlawyers.org