

# COMMUNICABLE DISEASE CONTROL PROCEDURES - STAFF

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Waunakee Community School District

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## **A. Educational and Preventive Measures**

1. The District, under the primary administrative responsibility and direction of the Human Resources Staff, will ensure that it obtains and appropriately retains records of all immunizations (or a related waiver) and health examinations/tests (e.g., tuberculin screening or test results) required of students and staff by law and Board policy.
  - a. The *Human Resources Director* shall have primary responsibility for ensuring that District employees complete all required physical examinations (including tuberculin screening or testing, as applicable).
2. The District Registered Nurses shall post or verify the posting of the Department of Health Services' [Wisconsin Childhood Communicable Diseases Chart](#) at each school in at least the nurse/health office or other primary station/area that is designated for student health services. The chart is a non-comprehensive reference and general guide for school staff that includes information on selected diseases, including signs and symptoms, incubation periods, periods of communicability, modes of transmission, and control measures/public health responses.
3. First aid kits and other supplies and equipment appropriate for reducing the risk of transmission of communicable diseases in the school environment, as determined in consultation with public health officials and/or a health care professional serving the District, will be provided in each school building.
- 4.
5. Those employees who are occupationally exposed to blood or other potentially infectious materials in the performance of their duties shall receive special training upon initial employment and annually thereafter. "Occupationally exposed" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. Such training shall incorporate applicable provisions of the District's Exposure Control (Bloodborne Pathogens) Plan.
  - a. The administration may elect to provide training on the Exposure Control Plan to additional employees or other persons who are not considered to have occupational exposure.
  - b. All employees who receive such training are expected to adhere to the Exposure Control Plan and the procedures covered in the training, including but not limited to complying with procedures that address exposure prevention/mitigation and the procedures to follow in the event of an exposure incident in a school or other work-related setting, including, to the extent practical, District-related activities occurring off District premises.

## **B. Reporting Communicable Disease Information and Exposure Incidents**

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1. Except as otherwise directed by the District Administrator, the Human Resources Director and/or District Registered Nurses shall function as the District's primary liaison with students and staff, parents and guardians, medical practitioners, public health officials and the community at large concerning communicable disease issues in any individual school. The Director of Student Services shall normally serve as the primary liaison for any such issues arising on a District-wide basis or in connection with the District office or any District facility that is not directly part of a school's physical premises.
2. Intra-District Reporting:
  - a. Any District employee, as well as any non-employee contracted service provider who works in any school or directly with students, who knows or suspects that a student, District employee, or other person who has been present in a school or other District facility has a communicable disease or that a communicable disease may be otherwise present in any such setting shall immediately report the information to the school principal or his/her designee. Such information may alternatively be reported to the Human Resources Director. Other persons, including any parent, student, school volunteer, or visitor who knows or suspects that a communicable disease may be present in a school setting or in any other District facility, are strongly encouraged to report the information in the same manner as is outlined for school employees. Upon receiving a report under this paragraph, the relevant District official shall:
    - i. Promptly evaluate the relevant information for purposes of determining an appropriate response. The relevant official should seek clarifying information (e.g., from the subject of the report, a student's parent or guardian, etc.) and confer with relevant subject matter experts (e.g., medical professionals, public health officials, etc.) as needed and to the extent circumstances permit.
    - ii. If the District Administrator has not already been notified, notify the District Administrator of the situation no later than the point at which a decision is made to pursue external reporting (see below) or the point at which the official determines there is a reasonable probability that the District will need to formulate an incident-specific response.
  - b. Whenever any occupationally exposed employee, as defined above, or other person who has received training in the District's Exposure Control Plan has an actual incident involving exposure to blood or other potentially infectious agents or materials, the person is expected to report the incident to relevant supervisors or administrators in accordance with the procedures outlined in the Exposure Control Plan.
3. Reports to Public Health Officials:
  - a. Pursuant to state law and as further outlined in this section, a teacher, school nurse, or principal of any school (or childcare center) who knows or suspects that a communicable disease is present in a school (or center) is required to immediately notify a local public health officer. By policy, the District extends the external reporting responsibilities outlined in this section to the following additional positions:

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- the District Administrator, the District Registered Nurses, Director of Student Services and the Human Resources Director.
- i. While a person who is subject to this reporting duty may consult with others to determine the need to make an external report and to coordinate the District's report, such consultation and coordination shall not delay the making of a timely report once a reportable situation has been identified.
  - ii. The District encourages staff to attempt to coordinate such reports through a nurse serving the school or through the school principal, but such coordination may not be practical in all situations. No staff member will be disciplined for making a direct external report provided that the staff member also informs appropriate administrators within the District of the situation and the report.
  - iii. Any staff member who makes an external report shall ensure that at least the District Administrator and any relevant school principal are promptly notified of the submission of the report.
- b. All known or suspected cases of a vaccine-preventable disease covered by a student vaccination mandate (i.e., as identified in [section 252.04\(2\)](#) of the state statutes and/or in [Chapter DHS 144](#) of the Wisconsin Administrative Code) which occur among students or staff shall be reported immediately by telephone to the local health department.
  - c. To the extent public health officials establish or modify external reporting procedures or expectations in response to a public health emergency (e.g., via a specific public health order, emergency regulation, or other similar directive), such additions or modifications shall supplement the expectations found in these procedures and, in the event of any conflict, supersede these procedures.

## **C. Exclusion of Employee from the Workplace**

1. Employees who know or reasonably suspect that they have any communicable disease that would present a danger in a school or other work-related environment are expected to take reasonable measures to avoid the risk of transmission of the disease in such environments, including by at least informing an appropriate supervisor/administrator of any potential risk of the presence or transmission of a communicable disease in such environments and avoiding activities in such environments that pose a risk of transmission (up to and including, if necessary, avoiding being present in such environments) while awaiting further direction. The communicable diseases covered by this expectation include the diseases identified by the Department of Health Services in [Appendix A to Chapter DHS 145](#), and any communicable disease covered by a current and relevant public health order or declared public health emergency. The administration may inform certain contracted service providers or authorized volunteers that the expectations established in this paragraph also apply to such individuals.
  - a. In accordance with state law:

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- i. Freedom from tuberculosis in a communicable form is a condition of employment for all District employees who come into contact with children or who handle or prepare food for school children.
    - ii. School food service employees shall refrain from handling food while they have a disease in a form that is communicable by food handling.
  - b. Employees are expected to follow any applicable public health orders or other applicable emergency orders related to a communicable disease that may be issued by local, state, or federal officials or agencies.
2. Notwithstanding the remainder of these procedures, an order that requires an employee's exclusion from the workplace is sufficient, by itself, to justify the exclusion.
3. Employees who are suspected of having or who are diagnosed as having a communicable disease that poses a significant health risk to any other person in the school environment or that renders them unable to safely or adequately perform their duties may be excluded from work by the District consistent with District procedures and applicable legal requirements.
  - a. Such decisions shall be made by either the Director of Human Resources, in consultation with one or more appropriate health care professionals (e.g., a nurse serving the District, the District's designated medical advisor, etc.) or public health officials.
4. Before making a determination that an employee will be involuntarily excluded from work due to a communicable disease concern:
  - a. The employee, if reasonably available, shall be informed of the reasons for the contemplated action.
  - b. Any information the employee may choose to offer regarding his/her condition(s) shall be considered, to the extent time allows.
  - c. Consideration should be given to whether an accommodation that is acceptable to the District could eliminate the health risk to others and/or permit adequate performance. To the extent the employee has a medical condition that constitutes a disability under state or federal law, the District shall evaluate potential accommodations under the applicable legal frameworks for such accommodations. Under no circumstances is the District required to approve an accommodation that results in undue hardship to the District or that would pose a "direct threat" to the health or safety of others.
5. In determining whether the risk to health or safety of others is significant enough to justify exclusion of the employee from the workplace, the following factors will be considered: (1) the duration of the risk; (2) the nature of severity of the potential harm; (3) the likelihood of potential harm; and (4) any applicable public health regulations, orders, or standards.

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6. The administrator or supervisor charged with making a decision under these procedures to exclude an employee from the workplace, or his/her designee, shall provide written notice of any exclusion to the affected employee(s).
  - a. The employee shall be reasonably informed of the duration of the exclusion and any other terms or conditions of the exclusion and/or reinstatement, and of any changes to such terms or conditions.
  - b. Any initial determination shall be revisited as soon as reasonably practicable if an employee has been initially excluded from work as a health and safety measure conditioned on the receipt of additional information. Similarly, any initial determinations shall be subject to reconsideration in the event of a material change in circumstances or due to the availability of new, material information. Such reconsideration may be initiated by the District or upon the request of the employee.
7. An employee excluded from the workplace who is not able to fully perform his/her duties may utilize any applicable employment rights or benefits provided under applicable law, existing Board policies, any applicable contract, and/or provisions of the Employee Handbook—which may include (as examples) accrued sick leave, other accrued paid leave (e.g., paid vacation), family and medical leave (if eligible), applying for an unpaid leave of absence, or consideration for reassignment. Except to the extent provided by any such employment rights or benefits, an employee who is excluded from work under these procedures is not guaranteed paid leave or continued or renewed employment.
8. At the District's discretion, the administration may require a statement from a public health official or from a qualified health care provider, or other documentation acceptable to the District, that confirms an employee's suitability to return to work after an issue has arisen in connection with a communicable disease. Except in the very limited circumstances authorized under applicable law, the District will not solicit or require an HIV test as a condition of employment for any employee.
9. **Appeals:** A District employee who disputes the determinations or actions of the District concerning his/her exclusion from work under these procedures may appeal the determination or action to the District Administrator. The appeal shall be in writing and shall include the following: (1) a statement of the relevant facts; (2) a statement of the relief requested; and (3) any necessary medical information that has not previously been provided. Once all information necessary for the appeal has been received, the District Administrator shall normally render a decision in writing within five workdays unless the administrator informs the appealing party of the need and reason for an extension. Such appeals are further subject to the following:
  - a. Except to the extent prohibited by law, an employee may be excluded from work during the pendency of any appeal.
  - b. Any allegation of unlawful employment discrimination on the basis of disability or on the basis of any other legally-protected classification may be pursued either following such an appeal or in lieu of such an appeal, as further outlined in the District's employment discrimination complaint procedures.

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## D. Applicability of these Procedures

1. The procedures, above, governing individualized decisions to exclude ~~students and~~ staff for reasons related to a communicable disease are not intended to apply:
    - a. In the event of the temporary closure of a school or any workplace due to a communicable disease concern; or
    - b. To an exclusion decision that the District Administrator or his/her administrative-level designee determines is necessary to comply with a public health order or directive and that applies to a defined class of employees or a defined group of students, regardless of any case-by-case, individualized circumstances.
  2. In the event of a school or workplace closure or any non-individualized exclusion decision, as described above in this section, the District will make reasonable efforts to notify affected persons. In addition, a person affected by a non-individualized exclusion decision may appeal the decision using the appeal procedure included in these procedures (above) for students or employees, as applicable.
  3. Nothing in these procedures prevents the administration from taking lawful and reasonable actions to exclude persons other than students and District employees from District property or District activities in order to address concerns with health and safety and the possible transmission of any communicable disease. For example, the administration may apply the decision-making procedures regarding the exclusion of District employees to contracted service providers and authorized District volunteers who are performing roles that are similar to roles that may otherwise be filled by a District employee.
1. Maintenance and Confidentiality of Employee-Related Records:
    - a. Except as otherwise permitted or required by law, the District will treat health and medical records of an employee that relate to any communicable disease as records that are subject to the confidentiality requirements of the Americans with Disabilities Act (ADA) as it applies to records of employee medical histories and examinations and disability-related inquiries. Such records shall be maintained in a file that is separate from the employee's other non-medical personnel records. See [29 C.F.R. §1630.14](#).
      - i. A record that indicates only that an employee either has or has not been vaccinated for a particular communicable disease is not considered a record of a medical examination or a response to a disability-related inquiry under the ADA.
    - b. Employee medical records that are subject to the confidentiality requirements of the ADA, may be disclosed with the written consent of the employee or a person expressly authorized by the employee, which shall meet the requirements of "informed consent" if the records are also patient health care records under Ch. 146 of the state statutes. Such records may be disclosed without obtaining such written

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- consent to the extent the disclosure is authorized by the ADA, including to the following persons:
- i. Appropriate supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations. However, if the records are also patient health care records or records of an HIV test, then the disclosure must also be authorized under an exception applicable to such records (see below).
  - ii. First aid and safety personnel may be informed, when appropriate, if the employee's medical condition might require emergency treatment. However, if the records are also patient health care records or records of an HIV test, then the disclosure must also be authorized under an exception applicable to such records (see below).
- c. If the employee medical records are patient health care records of the employee that the District has obtained as a "non-covered entity" (i.e., when the District is not a "covered entity" as defined by under Chapter 146), then the District may re-disclose the records under any the following conditions:
- i. By obtaining the informed, written consent of the employee or a person authorized by the employee.
  - ii. Without obtaining informed consent if the re-disclosure is limited to the purpose for which the patient health care record was initially received. However, if the record is also subject to the confidentiality requirements of the ADA, then the re-disclosure must also be authorized under the ADA (see above).
  - iii. Without obtaining informed consent if a court has ordered the redisclosure.
  - iv. As expressly mandated under an applicable and superseding federal law.
- d. If the employee medical records are records of an HIV test, disclosure of such a record may be permitted only if authorized by law, such as when the disclosure is on a basis that is permitted under **both** [section 252.15](#) of the state statutes and under the ADA (see above).

**Cross References:** WASB PRG 453.3 Sample Rule 1  
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