UW-Platteville Faculty Handbook: Chapter Five

Title*:* 5.06 Communicable Diseases and Life-Threatening Medical Conditions Policy

Publication Date:

Source: Human Resources

Policy:

I. BACKGROUND
The State of Wisconsin is committed to employment practices that encourage people with disabilities, regardless of the nature of the disability, to maintain productive status in the state workforce.

The State of Wisconsin recognizes that it is important for employees with life-threatening medical conditions including but not limited to cancer, heart disease, hepatitis and AIDS/HIV to continue to participate in as many of their normal activities as their condition will allow, including work.

The State of Wisconsin recognizes that employment may be therapeutically important in the remission or recovery process and may help to prolong and improve the quality of the employees' lives. As long as employees meet acceptable performance standards, and medical evidence indicates their conditions pose no risk to themselves or others in the workplace, managers shall be sensitive to their conditions and ensure that they are treated with dignity and respect consistent with the treatment of other state employees.

The State of Wisconsin is obligated to provide a safe work environment for its employees and the public it serves. The State of Wisconsin will ensure to the best of its ability that an employee's health condition does not present a significant health and/or safety risk to other employees or the public.

The State of Wisconsin recognizes the need to maintain an open and informed environment for its employees, and employees shall have access to education resources on health issues to eliminate prejudice and unwarranted fear about diseases in the workplace.

The State of Wisconsin further recognizes that an employee's medical condition is personal and confidential and not subject to disclosure to others without the affected employee's consent unless otherwise provided by law. It assures employees of complete confidentiality when seeking counseling or medical referral assistance.

Employees' rights to confidentiality are subject to the employer's responsibility to protect other employees and the public from contracting or being exposed to a contagious disease. State law prohibits AIDS testing as a condition of employment.

The Secretary of the Department of Employment Relations, pursuant to Sec. 230.04, Stats.,

is charged with the responsibility of ensuring that employees who have communicable diseases and/or life-threatening medical conditions do not suffer discrimination in employment.

II. POLICY

It is the University of Wisconsin-Platteville's policy to continue the employment of employees and to provide employment opportunities to qualified applicants who have communicable diseases and/or life-threatening medical conditions so long as such persons remain able to perform their assigned duties safely and efficiently and the employee's health condition does not present a significant health and/or safety risk to other employees, clients served, or the public.

The University recognizes that extreme care is needed in educating and protecting the University community from infection with HIV (Human Immunodeficiency Virus), the virus that causes AIDS. All employees as well as students with AIDS or HIV infection must be dealt with in a non-discriminatory and sensitive manner. Current, accurate information and education is essential to avoid needless anxiety over this disease.

The University shall provide reasonable accommodation in accordance with Federal and State laws and policies. Discussions of accommodation requests must include the Agency Affirmative Action Officer.

Supervisors must consider employees' requests for accommodation. Employees who recognize a need for accommodation are encouraged to report their medical conditions to their supervisors so that their requests for accommodations can be appropriately considered.

Supervisors must counsel employees who feel threatened by a co-worker's illness concerning matters involving their employment. There is no requirement to provide alternate accommodations.

All complaints alleging violation of this policy will be referred to the Affirmative Action Officer and will be investigated in accordance with University complaint policies.

APPENDIX: GUIDELINES FOR IMPLEMENTATION

EMPLOYMENT

Employment decisions must be non-discriminatory, that is, made on the basis of job-related criteria. These criteria include education, training, experience, and mental and physical ability to perform the responsibilities of the position being filled.

Wisconsin Fair Employment Law (Ch. 111.31 - 111.395, Wisconsin Statutes) prohibits employment discrimination against properly qualified individuals by reason of their age, race, creed, color, handicap, marital status, sex, national origin, ancestry, sexual orientation, arrest record, or conviction record.

Discrimination is prohibited in hiring, promotion, compensation, and/or in the terms, conditions, or privileges of employment. Additionally, communicable diseases and/or life

threatening medical conditions may also be a handicapping condition entitling the affected individual to the legal protections afforded the handicapped, such as reasonable accommodation.

The University does not require a pre-employment blood test for the AIDS antibody, nor will the results of such a test be used in an employment decision.

PROBATIONARY PERIOD

Employees with communicable diseases and/or life threatening medical conditions who are in probationary status will be treated as any other employee on probation. Time off work during probation may extend the probationary period, depending upon the length of the absence and the applicable rules or bargaining contract provisions.

SICK LEAVE AND LEAVES OF ABSENCE FOR ILLNESS

Requests for sick leave and leaves of absence for illness will be submitted to the immediate supervisor and/or administrative director or Dean. Sick leave benefits and leaves of absence for illness, including communicable diseases and/or life threatening medical conditions, will be administered in a confidential and non-discriminatory manner according to the applicable personnel rules or the appropriate bargaining contract. However, requests for medical leaves of absence and applications for income continuation benefits both require a physician's statement justifying the request or application. Care will be taken to preserve the confidentiality of such information.

ACCOMMODATION/REHABILITATION

When a supervisor is informed or becomes aware that other employees believe that an employee has a communicable disease and/or life threatening medical condition, the affected employee should be informed and consulted regarding steps to be taken.

The University will provide information about rehabilitation services and will make reasonable accommodation for persons with handicapping conditions, including communicable diseases and life threatening medical conditions. Decisions on accommodation requests will be made by the supervisor and employment relations representative in consultation with the Employee Assistance Coordinator and Affirmative Action Officer. Such accommodation may include work schedule changes such as Flextime. If an employee requests reasonable accommodation under the State Fair Employment Act or the Federal Rehabilitation Act of 1973, the employee must disclose his/her condition.

PERSONNEL RECORDS

At present, certain communicable diseases and life threatening medical conditions are stigmatizing conditions which may lead to needless fear among employees, resulting in rejection of or discriminatory action against an employee who has a communicable disease or life threatening medical condition. Therefore, only authorized employees shall process or have access to any employee personnel file or medical records. Precautions will be taken to prevent unwarranted disclosure of information concerning an employee's status with regard to communicable diseases or life threatening medical conditions.

Supervisors will not discuss an employee's condition without his/her written authorization except as required to administer this policy.

MEDICAL SEPARATION

Employees infected with a communicable disease or life threatening medical condition will be allowed to work as long as they can maintain acceptable performance and not pose a health threat to themselves or others. Termination or resignation for medical reasons will be considered on a case by case basis in consultation with the Affirmative Action Officer and Employee Assistance Coordinator. If an employee can no longer perform the essential functions of the job, and has exhausted sick leave, annual and personal leave, and any mandated leave of absence without pay, consideration may be given to a separation which protects that person's rights to disability benefits from Income Continuation Insurance, Wisconsin Retirement System and Social Security. In no case will employees disabled by a communicable disease or life threatening medical condition be treated differently from employees with other disabling illnesses.

WORKPLACE SAFETY

It is the policy of the University to provide a safe work environment. To accomplish this, the University provides its employees with two types of educational programs:

1. Programs designed to help employees understand the nature and transmission patterns of certain communicable diseases.
2. Programs designed to train employees who may be at risk for contracting a communicable disease at work, and their supervisors, in the proper procedures for performing their jobs.

Employees must understand that refusal to work with a person with life threatening medical conditions is not a valid excuse for failing to fulfill assigned responsibilities.

Employees with such concerns will be referred to health experts where the concerns can be fully addressed. The supervisor and Employment Relations Representative in consultation with the Employee Assistance Coordinator and Affirmative Action Officer will determine if a health risk for co-workers exists.

INCIDENT REPORTS

All incidents of accidental contamination involving employees MUST be reported to Human Resources within 24 hours on Form AD-85, Occupational Accident and Illness Report, available from supervisors or from Human Resources.

Educational Programs on Life Threatening Medical Conditions and/or Communicable Diseases Informational brochures will be distributed to all employees. All current employees will be encouraged to attend a training session conducted during working hours on campus by a health care professional.

New employees will receive the informational brochure with their orientation packets.
Training and Guidelines for At-Risk Employees and Their Supervisors

Certain employees may be at risk of contracting certain communicable diseases because their jobs involve the potential for contact with blood or bodily fluids through which communicable diseases are known to be transmitted. These employees require more intensive, job-specific training, along with specific guidelines for dealing with potentially hazardous situations encountered on the job. Direct exposure at work may occur through:

1. Needlestick injuries
2. Cuts with sharp instruments
3. Exposure through the mucus membrane (splashes in the eyes or mouth)
4. Contamination of open skin lesions with potentially infective bodily fluids

Workers possibly at risk for this type of exposure include:

1. Cleaning/housekeeping/custodial staff (BMH 2's and 3's)
2. Laundry workers [soiled linens and concealed needles or other sharp objects] (Laundry Workers and BMH 2's)
3. Incinerator attendants (BMH 2's)
4. Police
5. Sewage workers/plumbers (Facilities Repair Workers, Maintenance Mechanics, Plumbers, BMH 2's)
6. Building repair staff (Facilities Repair Workers)
7. Nursing/laboratory staff
8. Laboratory staff

TRAINING

Specialized training will be provided to current at-risk employees and their supervisors, by a health care professional. This training will be held on campus during working hours. Refresher training sessions will be conducted annually by the respective work units. New employees will receive training by their supervisors upon being hired.

GUIDELINES

Guidelines specific to each category of at-risk employee will be provided to those employees. Copies of the guidelines may be obtained from the supervisors and from Human Resources.