

02. PERSONNEL

2.23. Life Threatening or Contagious Diseases

BOS Adopted – Jul 1, 2004

2.23.1. Policy. The county recognizes that employees who are experiencing life threatening or contagious diseases may wish to continue to engage in as many of their normal activities as their condition allows, including employment. As long as these employees are able to meet acceptable performance standards and medical evidence exhibits that their condition is not a hazard to themselves or other county employees or visitors, the county shall continue their employment. County management shall be sensitive to their conditions and insure that these employees are treated comparably with other employees. At the same time, the county will seek to maintain a safe working environment for all employees and clientele. Therefore, safeguards will be taken to insure that an employee's condition does not present a health and/or safety threat to county employees or visitors.

2.23.2. Role of Personnel Relations. Consistent with this concern for employees experiencing life threatening diseases, the county extends the subsequent resources through the county administrator's office:

A. Management and employee educational programs concerning life threatening illnesses will be promoted. Information shall be provided on terminal illnesses and specific life threatening diseases or contagious diseases to those employees requesting the material for self-educational purposes.

B. The county shall refer county employees, who are experiencing life threatening illnesses or contagious diseases, to agencies and organizations that offer support and assistance for such disorders.

C. The county administrator or his designee shall provide benefit consultation to assist employees in effectively managing insurance, leave, and other benefits.

2.23.3. Guidelines for Life Threatening Illnesses. When administrating those situations which involve county employees who are facing life threatening diseases, supervisors shall abide by the following guidelines. Constitutional Officers shall perform the same role as the County Administrator for their respective employees as outlined in this section.

A. Recognize that a county employee's health condition is confidential and private, and reasonable prudence should be used to shield information regarding an employee's health condition.

B. Notify the county administrator, if employees need information about terminal illnesses, certain life threatening illness, or a contagious disease, or if subsequent counseling is needed in managing a situation that involves a county employee with such an illness or disease.

C. Contact the county administrator if you have any concerns about the possible contagious nature of an employee's illness.

D. Contact the county administrator to ascertain if a statement needs to be obtained from the employee's attending physician and that his/her continued presence on the job will pose no threat to the employee, coworkers, or visitors. In addition, the county retains the right to require an examination by a medical physician designated by the county in those situations which warrant such a medical exam.

E. If warranted, the county will make reasonable adaptations for employees with life threatening ailments compatible with the work requirements of the division/unit.

F. The county administrator will make reasonable attempts to transfer to other jobs those employees with life threatening illnesses who seek a transfer and are experiencing unreasonable levels of emotional anxiety.

G. County Management shall be sensitive and responsive to co-workers' concerns and emphasize employee education available through the county Personnel Department.

H. County Management shall not give special consideration beyond regular transfer requests for employees who feel threatened by a co-worker's life threatening illness.

I. County Management shall be sensitive to the fact that continued employment of an employee, who is experiencing a life threatening disease, sometimes may be therapeutically important in the remission or recovery process or may serve in extending the employee's life.

2.23.4. The Legal Environment. Direction in matters concerning AIDS can be drawn from Federal legislation in correlated areas. The fundamental legislation that prevents discrimination against employees experiencing life-threatening diseases is Section 504 of the Vocation Rehabilitation Act (29USC701). The act prohibits both private and public organizations that receive \$2,500.00 or more in federal assistance, from discriminating against individuals with handicapping conditions. Section 503 (29USC793) of the act requires that federal contractors use affirmative action to employ and advance qualified individuals with handicapping conditions. Handicapped is best defined as a person who has a mental or physical impairment that substantially limits one or more such person's major life activities. A person who is handicapped may be required to produce evidence or medical record of such impairment. After proper evidence has been presented the person will be perceived as having such impairment.

2.23.5. Pre-Employment Inquiries. The county recognizes that federal law requires that an individual cannot be discriminated against on the basis of race, color, religion, national origin, sex, age, and handicapping conditions. To guard against possible litigation, the county administrator will review and modify employment applications and interview procedures on a regular basis to avoid extracting information that is not specifically job related and/or that may provide an applicant a basis for alleging discrimination. The county prohibits any inquiries to applicants that might give the impression that the county discriminates against someone who is experiencing a life threatening illness. However, if there is medically supportive evidence that a

person who has life threatening illness is not able to meet performance standards, the county reserves the right to refuse employment to that applicant.

2.23.6. Medical Examinations. Medical examinations may be required of any applicant for a job or of any employee where applicable to job performance or the health, safety, and welfare of employees, residents or visitors.