

Village of Bloomingdale
Administrative Policy

Title: Handling Communicable Diseases in the Workplace
Chapter: Employee Conduct
Policy Number: 5.2
Creation Date: March 5, 2014
Issued By: Human Resources Director
Approved By: Village Administrator

I. Purpose

To establish practices and guidelines for handling situations in which communicable disease may be present in the workplace or community at large.

II. Notification

A. It is critical that the Human Resources Director (the "Director") be notified immediately that a communicable disease risk may exist in order to limit additional exposure throughout the workplace.

B. Immediate notification to the Director or a Department Head (a "DH") is required by supervisors, the infected employee and other employees who are made aware.

III. Verification

A. The Director shall take the following steps to verify the information that has been reported:

1. Confirm the source and verify the information, and
2. Obtain sufficient facts about the employee and his particular condition.

B. Procedures to Follow

1. Employee Self Notifies

a. When an employee informs the Village that the employee has a communicable disease which will affect the employee's performance on the job, and/or presents a risk of contagion, the Village Administrator or an authorized designee can require a medical exam or health certification to confirm the illness, just as with any other potential disability pursuant to the Americans with Disabilities Act (ADA).

b. After the results of the medical examination are provided, if the Village Administrator or an authorized designee determines that the disease poses "a significant risk" to the health of others, the Village will consider reasonable accommodations to eliminate that significant risk. If no such accommodation can be made, then the Village will take steps necessary to reduce or eliminate the significant risk.

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c. The employee has the right to a reasonable expectation of privacy with all medical information. Throughout this process, the Village will keep the employee's medical information, as well information on any accommodations or leaves, confidential to the extent possible.

2. When There is Suspicion of Infection

In situations where there is a suspicion but no confirmation of a communicable disease, such concern should be brought to the attention of the Director. The Village will assure that in its efforts to reduce the risks of contagion in the workplace, it does not violate applicable laws. After consultation with the Village Administrator, if there is reasonable cause for suspicion, the Director may seek legal advice on how to best respond given the particular case.

IV. Understanding the Disease and Resources

A. It is important to understand the illness in order to respond appropriately. The particular facts to be gathered regarding the contagion include:

1. How the disease is transmitted;
2. Probability of transmission and complications; and
3. Level of severity and duration of risk.

B. Sources to check to obtain information about the disease include various state, local and federal government and private sector resources, such as:

1. Centers for Disease Control and Prevention (CDC) (<http://www.cdc.gov/>);
2. OSHA (<http://www.osha.gov/>);
3. Illinois Department of Public Health (IDPH) (<http://www.idph.state.il.us/>);
4. DuPage County Health Department (<http://www.dupagehealth.org/>);
5. Employer resources such as in-house or contracted medical care facilities; and the
6. American Public Health Association publication, *Communicable Diseases in Man* (<http://www.apha.org/>).

V. Identify Scope of Risk

A. In cases of suspected mass contagion or a pandemic, the Village's Crisis Management Team (the "CMT") will be convened by the Village Administrator or authorized designee. When the situation is limited in scope to an individual then the event will be handled by a committee (the "Committee") of the CMT comprised of the Village Administrator, the Director, the affected Department Head in consultation with others as needed, such as the Assistant Village Administrator and Village Attorney.

B. The CMT or Committee will investigate the situation to determine who is at risk for contracting the illness. The CMT or Committee will consider any possible contacts, including those outside of the Village owned and operated

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offices or facilities that may have been exposed to the disease. Possible contacts may include clients, the public or vendors that may have been exposed or infected.

C. The CMT or Committee will attempt to answer questions, such as

1. How many people may be affected?
2. What is the severity of the disease?
3. How is the disease contracted?

VI. Determine Employer Response

A. Based on comprehensive research on the disease, the CMT or Committee will assess the severity of the situation in order to determine the appropriate measures which should be taken, such as an emergency shutdown of offices or facilities, or if a limited threat, a review of a department or single area.

B. In cases of suspected mass contagion or a pandemic, the CMT will review federal, state and local health department mass contagion or pandemic plans. The CMT will incorporate appropriate actions from these plans into workplace disaster plans. If the Village has an applicable business continuity plan it will be consulted by the CMT to provide suggestions on how to keep the Village's operation running during periods of high absenteeism.

VII. Communication and Compliance Issues

A. In dealing with a communicable disease, internal and external communications and legal requirements ought to be considered. The Village Administrator or Director will contact the Village Attorney* to identify legal risks, develop a plan to minimize liability and discuss any actions to include communications, employer response and privacy issues.

**For purposes of this policy, the term "Village Attorney" can mean the Village's corporation counsel, an attorney from IRMA or special Village labor counsel.*

B. Public Communications

1. Communications must include all internal or external contacts, including: notification to employees, the public, vendors and clients as well as any communications with family members of anyone hurt on the job or hospitalized as a result of a communicable disease.
2. Careful consideration in these areas as well as review of all communications by the Village Attorney or the assistance of a communications consultant will help eliminate any misunderstandings that could result, and properly guide employee and public perception of the employer and its actions.

C. Employee Relations

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1. The Village acknowledges that its employees have a reasonable expectation to privacy of all medical information as well as any leaves of absence or accommodations that an employee may receive.
2. The Village will not publish or provide names of those infected or whether any employee is placed on Family Medical Leave Act (FMLA) leave or receiving any ADA accommodations. An exception to this rule is if there is a business need to provide this information, such as to a specific manager of an employee who is infected or as required to regulatory agencies.
3. The Village acknowledges that concern and compassion for those infected or in fear of being infected is the best course of action. Employees will be concerned for their own health as well as the health of family members whom they do not want to infect.
4. The CMT or Committee will determine what disease management benefits the Village can provide and inform employees of same as soon as possible.
5. The CMT or Committee will consider providing free employee screening for the disease, employee time off to see their own doctors, the option to telecommute, etc. until the disease is contained and the threat eliminated.
6. The CMT or Committee will keep employees informed, as frequent communication to employees, both in the office and at home, will help alleviate concern. It is important to keep information truthful to avoid rumors.

VII. Other Considerations

- A. Regulatory Requirements - There are regulatory requirements which will be considered and addressed by the Village.
1. Some diseases may be reportable under federal, state or local regulations, such as to the DuPage County Health Department, however, it is not required in some instances that the Village report the name of the individuals infected.
 2. Before providing any employee medical information, the Village will consult with the Village Attorney to determine if the employee name must be provided.
 3. If the permission of the employee is necessary to release medical information, the Village will consult with the employee for permission to release their name to an agency of another level of government, if necessary.
 4. If there are health and safety standards the Village must follow in order to reopen the facility or remain open, such as cleaning the site or a release from a regulatory agency to continue operations, the Village Attorney will need to advise if there are any specific requirements to reopen.

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5. The Assistant Village Administrator will notify the Intergovernmental Risk Management Agency (IRMA) of any employee who files a claim related to the communicable disease and exposure.

B. Contingency Planning

1. The Village will engage in workforce planning with Village Departments regarding their operations which may be impacted. Factors the Village will consider include:
 - a. the absence of staff members from the workforce;
 - b. any functions closed; and
 - c. the ability to temporarily fill positions in order to keep operations running.
2. The Village may be able to reduce the effect of widespread absenteeism by cross-training employees to take over essential functions, bringing back retirees as temporary workers, and/or partnering with other local governments outside the contamination area and/or employers in other industries whose employees might not require much labor during a pandemic.
3. The Village will provide leadership in the crisis by communicating internally through its CMT or Committee, and externally through its Public Information Officer, the Village Attorney, consultants and any agencies for which there is a requirement to contact or provide follow through.
4. In times of an emergency, decisions and actions must be taken quickly, however careful consideration must be made at every step. As a result, the Village may develop a disease management preparedness plan in advance of an outbreak to reduce the level of risk and liability and to provide a step by step action plan to handle the situation most efficiently and effectively.

VIII. Examples of How to Handle a Communicable Disease in the Workplace

- A. Upon learning that an employee has tested positive for Tuberculosis (TB) and has an active infectious case, the Village will consider taking the actions listed below. Since TB can be a highly infectious disease, the Village will concentrate its efforts to reduce the possibility of the disease spreading.
- B. The DuPage County Health Department will be contacted to assist in determining possible risk to other employees and customers and to comply with any State requirements in reporting infectious diseases.
- C. Other employees will be notified by the Director, without identifying the actual employee who tested positive, that an active infectious case of TB has been reported in the workplace.
 1. The Director will contact the Illinois Department of Public Health for more information on TB or other communicable diseases.

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2. The Director will provide the link to the Centers for Disease Control and Prevention (CDC) web site on TB and encourage employees to contact their physician if they begin to show signs or symptoms of TB.
- D. The employee with an active infectious case of TB will be required to provide a return-to-work release to the Director from a health care provider before being allowed to return to work.