

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0620-09-21 LGL 2006-0034
TITLE: LIFE THREATENING ILLNESSES AND CONTAGIOUS DISEASES EFFECTIVE DATE: March 1, 2000 REVISION EFFECTIVE DATE: October 21, 2009	

1.0 GENERAL

- 1.1 The provisions of this policy do not supersede the provisions of any collective bargaining agreements or Civil Service rules and regulations, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules and regulations will prevail.
- 1.2 This document sets out the City of Spokane's policy concerning the employment of persons with life threatening illnesses and contagious diseases as well as during periods of pandemic or serious epidemic diseases when so declared by the World Health Organization (WHO), the U.S. Centers for Disease Control and Prevention (CDC) or the Spokane Regional Health District.

This policy covers illnesses that include but are not limited to the following: cancer, heart disease, HIV/AIDS, stroke, diabetes, hepatitis and other contagious diseases.

1.3 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy applies to all City employees (uniformed and non-uniformed) in all City divisions and departments.

3.0 REFERENCES

42 U.S.C. sec 12202 et.seq.	American With Disabilities Act of 1990
29 U.S.C. chapter 28	Family and Medical Leave Act, 1993
49.60 R.C.W.	Washington State Law Against Discrimination
49.12 R.C.W.	Washington State Family Care Act
49.78 R.C.W.	Washington State Family Leave Act
104-191 (1996) Public Law	Health Insurance Portability and Accountability Act (HIPAA)

4.0 DEFINITIONS

- 4.1 “Epidemic” means a widespread occurrence of an infectious disease in our community at a particular time when so declared by the WHO, the CDC, or the Spokane Regional Health District.
- 4.2 “Life Threatening Illness” means a potentially fatal or terminal illness that may or may not be contagious.
- 4.3 “Pandemic” means an infectious disease outbreak when so declared by the WHO and/or the CDC.

5.0 POLICY

5.1 Statement of Policy.

- 5.1.1 It is the policy of the City of Spokane that no personnel distinctions in the terms and conditions of employment shall be made based on the fact or perception that an individual has a life threatening illness, contagious disease or other disability so long as the person can perform the essential functions of the job with or without reasonable accommodation and so long as the condition presents no significant threat to the employee or to others.
- 5.1.2 During periods of a pandemic or serious epidemic, the City shall observe all guidelines set forth by the WHO, the CDC and/or the Spokane Regional Health District with respect to incubation periods, and other recommendations pertaining to social distancing.
- 5.1.3 The City has appointed the Director of General Administration as Infectious Disease / Pandemic Response Coordinator.

5.2 HIV / AIDS

5.2.1 HIV/AIDS is a medical condition that is considered a disability under the Americans with Disabilities Act and the Washington State Law Against Discrimination. All sections of both those laws concerning discrimination based on disability apply to discrimination because of HIV/AIDS and related conditions.

5.2.2 AIDS, to date has been a fatal illness. It is caused by a virus generally known as the Human Immunodeficiency Virus (HIV). The HIV virus is, according to the best medical advice available, transmitted principally by intimate sexual contact, by injection of contaminated blood or blood products, the sharing of contaminated needles, and by birth (i.e., the infant of a positive HIV mother).

5.2.3 According to the most current information from the CDC and other medical research, physicians advise us that the chance of becoming infected with HIV in the course of one's job is almost nil. To date, there has been no evidence that transmission of HIV can occur through casual contact in the workplace.

5.3 Influenza In The Workplace.

5.3.1 Influenza is a contagious illness that includes symptoms such as coughing, nasal congestion and discharge, fever, sore throat headache, body aches and general fatigue. The City realizes that employees with influenza often need to continue with normal life activities, including working. In deciding whether an employee suffering from influenza may continue to work, the City considers several factors:

- a. The employee must be able to perform the essential functions of the position and meet expected performance standards.
- b. In the judgment of the City, the employee's continued presence must pose no significant risk to the health of the employee or other employees and customers of the City. If an employee disputes the City's determination that such a risk exists, the employee must submit a statement from the employee's attending health care provider that the employee's continued employment poses no significant risk to the employee, other employees or customers.

5.3.2 In the event of a pandemic or serious epidemic, the City may consider other options such as telecommuting. If social distancing is recommended by the CDC and/or the Spokane Regional Health District in order to minimize the spread of the illness, and the employee is able to perform the essential job functions, then short-term telecommuting arrangements may be considered on a case by case basis in accordance with Human Resources Policy ADMIN 0620-09-44 Commute Trip Reduction - Telecommuting.

6.0 PROCEDURE

6.1 Treatment of Employees With Life Threatening Illnesses And Contagious Diseases

6.1.1 The work place shall be free of harassment, discrimination and intimidation toward applicants and employees with life threatening illnesses and contagious diseases.

- a. If fit to perform essential job functions, the employee shall be provided with work in accordance with normal procedures.
- b. If unable to perform essential job functions, the employee shall be treated in the same manner and with the same consideration as any other ill or disabled employee. The City of Spokane will provide reasonable accommodation in order to enable the employee to perform the essential functions of the position. If the employee is unable to perform the essential functions of the job, with reasonable accommodation, the City will explore other options, including applicable leave, in compliance with the Americans with Disabilities Act, the State of Washington's Law Against Discrimination and the Family and Medical Leave Act (FMLA).

6.2 Reasonable Accommodation

6.2.1 Employees with any life threatening illnesses or contagious diseases will be allowed to continue working so long as they are able to perform their jobs satisfactorily and so long as available medical evidence indicates that their continued employment does not present a health or safety threat to themselves or others. Reasonable accommodation provided will be on a case by case basis in compliance with the Americans with Disabilities Act (ADA) and/or the Family and Medical Leave Act (FMLA). Even if

reasonable accommodation is provided, the employee will be expected to perform the essential duties of the position. For more information on reasonable accommodation, refer to Human Resources Policy ADMIN 0620-06-32.

6.3 Fear of Contagion

6.3.1 If an employee fears that due to the nature of his/her job, that there is the possibility of being exposed to a contagious disease, the employee who fears such contagion should contact the Human Resources Department.

6.4 Confidentiality

6.4.1 All medical information about an employee who is diagnosed as having a life threatening illness, contagious disease or disability shall be maintained according to legal requirements. Any information released will be done by the Human Resources Department in accordance with the law.

6.5 Management Responsibilities

6.5.1 When dealing with ill employees, managers and supervisors should:

- a. Remember that an employee's medical condition is confidential.
- b. Contact the Human Resources Department for further information about an illness or other medical conditions or if additional assistance is needed to address a given situation.
- c. Contact the Human Resources Department to determine if a statement should be obtained from the employee's attending physician that continued presence at work will pose no significant current risk of substantial harm to the employee, co-workers or members of the public. The City of Spokane reserves the right to require an examination by a medical doctor appointed by the City.
- d. Be sensitive and responsive to co-workers' concerns and emphasize employee education available through the Human Resources and Risk Management Departments.
- e. Employees should be encouraged to seek assistance from the Employee Assistance Program or other community

resources if counseling services or other services are needed or requested. Information on this may be obtained from the Human Resources Department.

- f. Supervisors are to remind employees with a life threatening illness or contagious disease of their rights under City policies. Any questions regarding the City's leave policies should be referred to the Human Resources Department.

6.6 Complaint Procedure

6.6.1 If an applicant or employee believes that he/she has been discriminated against, harassed or intimidated on the basis of having a life threatening illness or contagious disease, that person should follow the complaint procedure outlined in the Human Resources Policy ADMIN 0620-06-16, Discrimination.

6.6.2 If an employee believes that confidentiality has been violated, an employee may also file a complaint under the Human Resources Policy ADMIN 0620-06-58 – HIPAA Privacy Compliance.

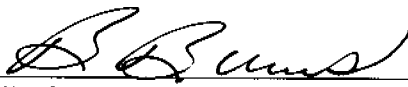
7.0 RESPONSIBILITIES

The Human Resources Department shall administer this policy.

8.0 APPENDICES

None


APPROVED BY:



City Attorney (Asst)

10-19-09

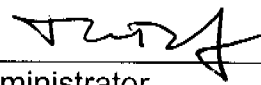
Date



Director – Human Resources

10/20/09

Date



City Administrator

10/20/09

Date



City of Spokane

RECEIVED
OCT 21 2009
CITY CLERK'S OFFICE
SPOKANE, WA

October 20, 2009

TO: Terri Pfister, City Clerk
FROM: Thomas E. Danek, Jr., City Administrator
SUBJECT: PANDEMIC POLICIES

Human Resources recently sent policies regarding Illness Leave, Leave Sharing, Telecommuting and Life Threatening Illnesses and Contagious Diseases to Department Heads and Unions for their review and input as they relate to the recent Pandemic Plan that went into effect October 15th. Having revised those policies, they have been signed and should be made effective immediately. If you have any questions please contact Dave Chandler in Human Resources.

A handwritten signature in black ink, appearing to read "T. Danek, Jr.", written over a horizontal line.

Thomas E. Danek, Jr.
City Administrator

"Spokane – Near Nature, Near Perfect"

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