

POLICY

2012

5694

Non-Instructional/Business
Operations

SUBJECT: PANDEMIC PREPAREDNESS IN THE WORKPLACE AND THE AMERICANS WITH DISABILITIES ACT

The District, in conjunction with its District-wide safety plan and the District emergency response team, will identify District personnel responsible for preparedness and response planning. This team should include staff with expertise in all equal employment opportunity laws. Employees with disabilities should be included in planning discussions and employer communications concerning pandemic preparedness should be accessible to employees with disabilities.

Before an influenza pandemic occurs, the School District may make inquiries that are not disability-related. An inquiry is not disability-related if it is designed to identify potential non-medical reasons for absence during a pandemic (e.g., curtailed public transportation) on an equal footing with medical reasons (e.g., chronic illnesses that increase the risk of complications). The inquiry should be structured so that the employee gives one answer of "yes" or "no" to the whole question without specifying the factor(s) that apply to him or her. The answer need not be given anonymously.

If an influenza pandemic becomes more severe or serious, according to the assessment of local, state or federal public health officials, the District may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza. Only in this circumstance may the District make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications.

The District may also encourage employees to telecommute (whereby the daily commute to a central workplace is replaced by telecommunication links, allowing employees to work from other locations such as their homes) as an infection-control strategy during a pandemic. Similarly, telecommuting may be requested as a reasonable accommodation by employees with disabilities to reduce their chances of infection during an influenza pandemic.

District Safety Plan

The District has developed a comprehensive safety plan that addresses prevention and intervention strategies, emergency response and management at the District level, and has the contents prescribed in Education Law and Commissioner's Regulations.

The District safety plan addresses pandemic preparedness and will be reviewed to ensure continuity with Board policy and administrative regulations.

Americans with Disabilities Act Amendments Act (ADAAA) of 2008, Public Law 110-325
Education Law Section 2801-a
8 New York Code of Rules and Regulations (NYCRR) Section 155.17

Adopted: 12/5/12