Allan Hancock Joint Community College District
Administrative Procedure
Chapter 7 – Human Resources

AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

Except as provided in herein, a person shall not be initially employed by a community college district unless the person has within the last 60 days submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination to determine that they are free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code or a physician assistant practicing in compliance with Chapter 7.7 of Division 2 of the Business and Professions Code. This examination shall consist of an approved intradermal tuberculin test or any other test for tuberculosis infection recommended by the federal Centers for Disease Control and Prevention (CDC) and licensed by the federal Food and Drug Administration (FDA) that, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.

The superintendent/president, or their designee, may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, or negative by any other test recommended by the CDC and licensed by the FDA, or were not tested because of a lack of risk factors, shall be required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer for so long as the employee remains test negative by either the tuberculin skin test or any other test recommended by the CDC and licensed by the FDA. Once an employee has a documented positive skin test or any other test that has been recommended by the CDC and licensed by the FDA that has been followed by an X-ray, the foregoing tuberculosis risk assessments and examinations shall no longer be required, and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination an employee shall cause to be on file with the district superintendent a certificate from the examining physician and surgeon or physician assistant showing the employee was examined and found free from active tuberculosis. “Certificate,” as used herein, means a certificate signed by the examining physician and surgeon or physician assistant, or a notice from a public health agency or unit of the American Lung Association that indicates freedom from active tuberculosis. The latter, regardless of form, shall constitute evidence of compliance with this section.

This tuberculosis risk assessment and, if risk factors are present, examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse the person in a like manner prescribed for employees in subdivision.

The governing board of each district shall reimburse the employee for the cost, if any, of the examination. The board may provide for the examination required by this section or may establish a reasonable fee for the examination that is reimbursable to employees of the district complying with this section.

At the discretion of the governing board, this section does not apply to those employees not requiring certification qualifications who are employed for any period of time less than a college year whose functions do not require frequent or prolonged contact with students.

The governing board may, however, require the tuberculosis risk assessment and, if risk factors are present, examination and may, as a contract condition, require the assessment and examination of persons employed under contract, other than those persons specified herein, if the board believes the presence of these persons in and around college premises would constitute a health hazard to students.

If the governing board of a community college district determines by resolution, after hearing, that the health of students in the district would not be jeopardized thereby, this section does not apply to any employee of the district who files an affidavit stating that they adhere to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of their knowledge and belief they are free from active tuberculosis. If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, they may be excluded from service until the governing board of the employing district is satisfied that they are not so afflicted.

A person who transfers their employment from one campus or community college district to another shall be deemed to meet the requirements if the person can produce a certificate that shows that he or she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing them that it has a certificate on file that contains that showing.

A person who transfers their employment from a private or parochial elementary school, secondary school, or nursery school to the community college district subject to this section shall be deemed to meet the requirements if the person can produce a certificate as provided for in Section 121525 of the Health and Safety Code that shows that the employee within the last four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing them that it has the certificate on file.

Any governing board of a community college district providing for the transportation of students under contract shall require as a condition of the contract the tuberculosis risk assessment and, if risk factors are present, examination for active tuberculosis, as provided in subdivision (a), of all drivers transporting the students. Privately contracted drivers who transport the students on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

Examinations required pursuant to this subdivision shall be made available without charge by the local health officer.

Also see BP/AP 7330 titled Communicable Disease and BP/AP 7335 titled Health Examinations

Reference: Education Code Section 87408.6

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