**55:09:04:18.  Contagious disease -- Procedure.** If the appointing authority has a reasonable belief that an employee has been exposed to a contagious disease that would endanger the health of fellow employees or the public, the appointing authority may request that the employee leave the worksite. If the employee refuses to leave, the appointing authority may require the employee to provide medical certification that the illness is not a threat to the employee or others. The appointing authority shall be responsible for the cost of the examination. If the employee refuses to submit to the examination or if the examination indicates that the employee has a contagious disease, the employee may be required to take leave. If the employee leaves work pursuant to this rule, the employee may use accrued sick or vacation leave for the purpose; otherwise the leave shall be without pay. Before returning to work the employee may be required to provide medical certification that the illness is not a threat to the employee or others.

An employee who is required to take leave under this section may appeal the decision to the commissioner if the appeal is made in writing within 14 days of the appointing authority's decision to require leave.

**Source:** 39 SDR 99, effective December 3, 2012.

**General Authority:** SDCL 3-6D-14.

**Law Implemented:** SDCL 3-6D-14.