

## **9.0 HIV DISCRIMINATION**

### **9.1 THE DISEASE**

Acquired Immune Deficiency Syndrome (AIDS) is a disease caused by spread of the AIDS virus, Human Immunodeficiency Virus (HIV). Because of the increase of AIDS, AIDS Related Complex (ARC), and (HIV), the District has investigated AIDS concerns and has consulted with experts on this subject. According to current medical evidence available, casual work place contacts among employees and citizens infected with HIV will not result in the transmission of the virus. The nature of the disease and its presence in society warrants a District policy.

### **9.2 PURPOSE OF POLICY**

The District recognizes that its employees are entitled to a safe working environment. Employees and job applicants who are HIV carriers or are afflicted with ARC or AIDS are entitled to compassion and legal protection against unlawful discrimination. Based on these principles, the District has formulated this AIDS policy to:

- A.** Prevent unlawful discrimination;
- B.** Educate employees about the ways HIV is, and is not, spread;
- C.** Designate a person to whom concerned employees can go for information;
- D.** Insure the confidentiality of information about any employee who contracts the virus;
- E.** Address employment concerns of infected employees;
- F.** Assure that the public is accommodated and that risks to health are minimized;
- G.** Protect the health and safety of all employees through a program of universal precaution; and
- H.** Avoid disruption or interference with District business that could result from unfounded health concerns.

This policy addresses the work place and shall be supplemented with any additional protocols found appropriate.

### **9.3 NON-DISCRIMINATION IN HIRING**

The District will not unlawfully discriminate against persons with AIDS, ARC or HIV on the basis of their disability. The following practices are to be followed:

- A.** Job applicants are not to be asked whether they have AIDS or are infected with HIV. They may be asked if they are able to perform all functions of the job, both essential and marginal, with or without accommodation. Only after extension of an offer of employment (which may be made conditional on ability to perform essential job functions) may the applicant's condition be discussed or the need for any reasonable accommodation be discussed.

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- B.** Job applicants who voluntarily disclose that they have AIDS or are HIV infected shall be asked if they can perform all job functions, but may not be asked about their disability or need for accommodation before extending an offer of employment. The reasonableness of any requested accommodation shall be determined by management.
- C.** Any applicant known by the District to have a disability but capable of performing the duties of the job sought, with or without reasonable accommodation, shall be given the same consideration as other equally qualified applicants.

### **9.4 EMPLOYEE EDUCATION**

Employees who are educated about the actual medical risks posed by AIDS and HIV will be safer and more comfortable at work. The District will strive to provide the following sources of education about the transmission of HIV:

- A.** Informational materials designed to answer specific questions;
- B.** Videotaped and/or live presentations; and
- C.** Confidential access to a designated contact person trained to answer questions or obtain additional information.

Employees are strongly urged to take advantage of these resources.

### **9.5 THE DESIGNATED CONTACT PERSON**

The District will have a designated contact person, who will be trained to address AIDS concerns. At present, this person is the Director of Administrative Services.

### **9.6 CONFIDENTIALITY**

The District recognizes that an employee's health concerns are confidential. Employees who have been infected with or exposed to HIV may contact the designated contact person confidentially. Medical information will be kept confidential in separate medical files apart from personnel files, consistent with legal, medical and management practices.

Employees, who obtain knowledge that an employee, guest, or other individual utilizing District services is an HIV carrier or is afflicted with ARC or AIDS, shall maintain the confidentiality of such information. Failure to do so will result in discipline if the circumstances warrant.

### **9.7 EMPLOYMENT CONCERNS OF INFECTED EMPLOYEES**

Employees who are infected with HIV or afflicted with ARC or AIDS may contact the designated contact person for confidential information about the potential impact of their condition on their employment. The District will make reasonable accommodations for employees infected with HIV or afflicted with ARC or AIDS, unless it would be an undue hardship to do so or would result in a direct health or safety threat to the individual or other persons. The reasonableness of any proposed accommodation will be determined by management and shall take into consideration the health and

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safety of all employees. Supervisors are to consult the designated contact person and obtain District authorization before making any employment decision on the basis of an employee's actual or perceived infection with HIV. Unlawful discrimination against such employees on the basis of their disability will not be tolerated.

Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with AIDS or HIV and their families.

### **9.8 INFECTED CITIZENS**

As a public service organization, the District cannot discriminate against citizens on the basis of disability. If uniform body fluid precautions are followed rigorously and routinely, then the risk of accidental infection when rendering aid to an infected person is minimized. The routine activities of citizens in dealings with the District pose no measurable risk of HIV infection to employees. Unlawful discrimination against citizens with or suspected of HIV or AIDS will not be tolerated.

### **9.9 BUSINESS DISRUPTIONS DUE TO UNFOUNDED HEALTH CONCERNS**

If an employee refuses to work with an HIV infected co-worker or serve an infected citizen, and a supervisor decides that the co-worker or citizen poses or posed no threat to the health and safety of others, continued refusal or a failure to work or other disruption of District services shall result in discipline including discharge. Harassment of known or suspected HIV carriers is expressly prohibited and shall result in discipline, including discharge.

### **9.10 OVERSIGHT**

Supervisors are charged with insuring that this policy is adhered to. Complaints concerning any employee's failure to comply with this policy should be brought to the attention of a supervisor, and may be raised by following procedures relating to harassment or to complaints.