

Chapter 51
Issue 1

Date 07/03/89

SUBJECT: AIDS, ARC, HIV in the Workplace

I. DEFINITION

HIV - Human Immunodeficiency Virus - the cause of ARC/AIDS. This virus weakens the body's immune system. A person may have HIV but show no signs of infection and may remain well for an indefinite period.

ARC - AIDS Related Complex - Symptoms of infection are less severe than the infections and cancers present in a person who has AIDS.

AIDS - Acquired Immune Deficiency Syndrome - An infected person is diagnosed as having AIDS when he or she develops one of several infections or cancers that are usually rare or mild in healthy people.

II. PURPOSE

To establish a policy and guidelines to promote non-discrimination in the workplace regarding persons with AIDS, ARC, or HIV consistent with the City of Lompoc's Affirmative Action Program.

III. SCOPE

This policy is applicable to all City departments. Where any section, subsection, sentence, clause or phrase of this procedure is found inconsistent with law, statute, or judicial interpretation, the current legal guidelines shall prevail.

IV. AMENDMENTS

This procedure may be amended by the City Administrator.

V. POLICY

It is the policy of the City of Lompoc to promote equal employment opportunity without regard to race, color, religion, sex, age, national origin, mental status, or handicap. The City has established the following guidelines to manage the concerns of AIDS, ARC, and HIV in the employment setting.

VI. GUIDELINES

A. Confidentiality

1. Like all other medical information and records, the conditions of AIDS, ARC and HIV in an

employee or applicant are subject to strict confidentiality by law (ref. California Civil Code, Section 56 et seq). Departmental human resources having access to an individual's medical records, or those having knowledge of the medical condition have a duty to preserve the privacy and confidentiality of the information. Such information should not be shared without the express and prior written permission of the individual having the condition. Failure to conform to confidentiality rules could result in disciplinary action.

B. Employment Practices

1. The current and best medical evidence is that AIDS, ARC and HIV do not pose a threat of contagion or transmission from worker to co-worker through everyday contact in the work environment. Therefore, a person with AIDS, ARC or HIV need not be restricted from work in any area unless they have evidence of other infections or illnesses from which any employee in that work area would normally be restricted.
2. Each department shall treat AIDS as they would any other life-threatening illness and therefore shall apply and comply with all City of Lompoc policies and rules which govern employee health, including but not limited to, leaves of absence, disability, transfers, and medical examinations.
3. Persons with AIDS, ARC or HIV who are deemed medically fit to work are to be reasonably accommodated by job modification or transfer if possible. Any such accommodation or transfer is to be determined in conjunction with the employee, Human Resources Director, and department head, and will be consistent with the applicable laws pertaining to handicapped employees.
4. If there is a supervisory concern regarding the ability of the employee to perform assigned duties, the case will be reviewed by the Human Resources Department. A medical clarification examination may be required to determine employee fitness to work.

C. Working Environment

1. In that employees with AIDS, ARC or HIV do not pose a threat of contagion to co-workers through everyday workplace contact, the refusal by co-worker(s) to work with an individual having or perceived to have AIDS, ARC or HIV can lead to disciplinary action. Similarly, members of the public with AIDS, ARC or HIV pose no threat of contagion to City employees providing common public services, and the refusal of any City employee to provide public service on this basis may be grounds for disciplinary action.
2. Employees affected by any life-threatening illness should be treated with compassion and understanding. Employees should provide support and encouragement and foster, by example, an attitude of sensitivity to the needs of chronically ill colleagues. Employees should recognize that continued employment and interaction in the work environment can be mentally and emotionally beneficial.
3. Department managers/supervisors need to be sensitive and responsive to co-workers' concerns and fears about AIDS/ARC/HIV. Supportive psychological interventions may at times be necessary to help employees continue to function effectively. Every effort is to be made to identify the need for such intervention that permits both effective preventative services as well as assistance to those experiencing distress. Services are available through the City's Employee Assistance and Educational programs.

4. Although transmission of the HIV virus is unlikely should a person come in contact with blood or other bodily fluids in the event of an accident or injury, clean-up procedures should follow the Center for Disease Control's "Universal Precautions" on file in the Human Resources Department. Fire and Police Department human resources should refer to their specific procedures and policies (Fire - Operation Manual 13.04, Police - Directive #88-012).

D. Education

1. The specter of AIDS, ARC and HIV frequently gives rise to fear and anxiety. To minimize the potential for workplace disruption, maintain productivity levels, and minimize staff morale problems, the City of Lompoc is committed to combating the fear and misunderstanding associated with the disease through the provision of educational programs for all human resources.

VII. INTERPRETATION

Any questions relative to the intent and/or application of this policy should be directed to the Human Resources Director.

VIII. DEPARTMENTAL RESPONSIBILITY

It will be the responsibility of each department director to inform all concerned departmental staff of these human resource procedures and to issue any further instructions to insure their implementation.

Gene L. Wahlers City Administrator
TO: All Employees

SUBJECT: AIDS in the Workplace

AIDS (Acquired Immune Deficiency Syndrome) and HIV, the virus that causes the disease, is an issue that affects us all. By the year 1991, the U.S. Surgeon General predicts there will be approximately 270,000 cases of AIDS in the United States. They also estimate that 1.5 to 9 million people now carry the virus (HIV) that may eventually lead to AIDS. Therefore, it is realistic for you, as employees, to consider the possibility of an employee with AIDS/HIV working for the City. The safety and well being of each employee is the City's priority concern. AIDS is a deadly disease, and while there is no risk of contracting it through normal everyday contact in the workplace, we feel a civic responsibility to play an active role in helping to stop the transmission of the AIDS virus and promote a better understanding of the disease. To achieve this goal, we have adopted a policy of AIDS/HIV in the workplace. Educational programs are being developed to meet the needs of our employees.

Basic guidelines of this policy are:

1. To educate and reduce possible anxiety regarding AIDS/HIV, the City will have on-going

programs as needed. If you have specific concerns, talk with your supervisor or contact the Human Resources Department.

2. Employees affected by any life-threatening illness should be treated with compassion and understanding. Be sensitive to the needs of chronically ill co-workers. Recognize that continued employment and interaction in the work environment can be mentally and emotionally helpful.

3. The refusal by co-workers to work with an individual, or refusal to provide public service to a member of the public who has or may be perceived to have AIDS/HIV, may result in disciplinary action.

4. Confidentiality - medical information and records of all employees are protected by law. Employees having access to such records, or those having knowledge of another co-workers physical condition, will respect that privacy. Failure to do so may result in disciplinary action.

Any questions about this policy and its guidelines should be directed to your supervisor or the Human Resources Department.

Frank Priore City Administrator