

Acquired Immune Deficiency Syndrome (AIDS) in the Workplace

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Purpose

North Carolina State government acknowledges its obligation as an employer to provide a safe and healthful work environment for all of its employees. Furthermore, the State recognizes the employment-related rights and concerns of employees who may be exposed as a part of their job duties to or who may have HIV infection. In light of the concerns and the increasing incidence of AIDS, an infectious disease not transmitted by casual contact, State government has developed this policy to provide implementation guidance for all managers and employees on how to deal with AIDS in the workplace. Further, this policy has been developed to address morale, productivity, safety, anti-discrimination, confidentiality and other areas that are impacted by this policy.

Policy

It is the policy of State government to provide a work environment to protect the health and well being of all of its employees. To this end, the State will provide education and training, work practices, procedures, and ensure that employees who are exposed to or have HIV infection are provided with confidential, fair and equal treatment. Additionally, this policy outlines the rights and responsibilities of supervisors and employees regarding HIV infection in a work environment.

Education and Training

All agencies and institution of State government will undertake an education and training program. This program will have two components:

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- a basic education and training component for all employees and
 - an advanced education and training component for employees who perform tasks that have a greater potential for exposure to the HIV virus.
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Basic Education and Training Components

To insure program consistency, the Office of State Human Resources developed and published an AIDS Education Program for NC State Employees Manual which agencies may use to provide education and training for employees.

The agency head shall designate a coordinator and appropriate resources, and with the assistance of professional health educators, all employees will be offered training within three years from the adoption of this policy, and thereafter for new employees within six months of initial employment.

Advanced Education and Training Components

Agencies will identify training modules and resources as approved by the State Public Health Director which will address the special education and training needs of employees who perform work related tasks that have a potential for exposure to the HIV virus. Each agency shall adopt these resources to their own workforce needs.

Each agency with employees requiring advanced training will provide such training at the time of initial assignment and at least annually thereafter. Appropriate documentation of training shall include dates of training, a summary of training content, name and qualifications of instructor, and the name and job title of persons attending. Training records shall be maintained for a period of three (3) years.

Anti-Discrimination

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It is the State's policy not to discriminate against any applicant or employee who has or is suspected of having AIDS or HIV infection. The State recognizes that an employee with AIDS or HIV infection may wish to continue working. As long as the employee is able to satisfactorily perform the duties of the job [G.S. 168A-3(9), 130A-148C(i)] and there is no medical evidence indicating that employee's condition is a health threat to employees, co-workers or the public, an employee shall not be denied continued employment nor shall an applicant be denied employment solely because of a medical condition.

Testing and Examination

Medical tests and examinations to determine the presence of HIV or HIV associated conditions are prohibited except as authorized by State and federal law or required by the rules of the Commission for Health Services. An employee who suspects that having had a nonsexual blood or body fluid exposure to the HIV virus while on the job may voluntarily elect to be tested for the HIV infection, provided that the suspected exposure poses a significant risk of transmission of HIV as defined in the Rules of the Commission for Health Services. The cost of tests for the exposed employee shall be borne by the employer, if requested by the employee. Some employees may prefer to pay for their own test through a personal or family physician, or use the free testing of a Public Health Department.

Confidentiality

Confidentiality shall be strictly maintained by the agency for any employee with HIV or HIV associated conditions as required by existing confidentiality rules and laws. Any current confidentiality policies that are in force shall be updated by the agency to include the HIV policy.

Prevention of Occupational Exposure

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Basic programmatic requirements and guidelines for the control of potential exposure to HIV virus are delineated in the Employees Workplace Requirements for Safety and Health Policy in the State Human Resources Manual and in the State Employees Workplace Requirements Program for Safety and Health Manual.

Complaints and Discipline

The State acknowledges that employees with HIV infection as well as their co-workers may have concerns for their own health and safety. Managers are to pursue all appropriate actions to respond to the concerns of all employees. The State recognizes the rights of employees to grievance procedures. The employer has an equal right to maintain a harmonious and productive work environment that is free from disruptive or inconsiderate behavior, or from the refusal of any employee to perform work at assigned times and locations. If insubordinate or disruptive actions occur, managers are to follow the normal disciplinary procedures described in the Disciplinary Action, Suspension and Dismissal Policy. Before any disciplinary action can be taken, an agency or institution shall first provide counseling by a qualified Health Care Professional to an employee who fears that a serious health risk is created by the presence of a co-worker who has AIDS or HIV infection.
