



CHAPTER: Equal Employment Opportunity Policy

SUBJECT: HIV Infection and AIDS

POLICY NUMBER: 4.308 PAGES:4

RELATED POLICIES: 4.701 4.600 4.709 4.711 **ENABLING RESOLUTION: 12/90** **REVISION DATE(S):**

DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

I. Purpose

The purpose of this Policy is to develop and implement guidelines relating to the handling of employees and/or clients with HIV infection, of which the last stage is AIDS.

II. Policy

- A. Sedgwick County is committed to providing fair and equal employment opportunities for all individuals, including those who have been infected with the AIDS virus. Employees with (HIV infection) or AIDS, will be provided equal employment opportunities with respect to placement, upgrading, transfer, promotion, demotion, terms and conditions of employment, pay and compensation, training, lay-off, termination or reinstatement, except when there are compelling medical and/or public health reasons to deny such opportunities or conditions of employment.
- B. A person who is HIV positive or who has AIDS will be treated like any other employee with a chronic or long-term illness.
- C. All employees are expected to perform their duties and to carry out their responsibilities without regard to another person's HIV or AIDS status, except when there are compelling public health reasons to act otherwise. Any employee unwilling to comply with this Policy will be subject to disciplinary action, including termination.
- D. All health records and information concerning an employee's HIV or AIDS status will be kept confidential. Access to such information is limited to only those who have a legal right to access. Disclosure of such information, except as required by law, will not be made without written consent of the employee.
- E. No employee shall be required to undertake an HIV antibody test unless they have exposed a co-worker to potential HIV infection as outlined in IV. E. Such test, along with voluntary and confidential screening, is provided to all interested employees by

the Wichita/Sedgwick County Health Department.

- F. Each department shall identify special situations in which exposure to the AIDS virus is likely.
 - 1. Procedures for specific body fluids contact and/or cleanup are outlined in the following section IV. Procedure E.
 - 2. If an incident involving a significant exposure to blood occurs and concern or doubt of the possibility of infection is present, the Director of the Wichita/Sedgwick County Health Department will be contacted.

III. Definitions

- A. "Compelling medical reasons" refer to the physical or mental condition of persons with HIV infection and/or AIDS, which prevents the performance of usual duties of the position for which such person might otherwise be qualified to perform.
- B. "Compelling public health reasons" refer to the identified risk of transmission of HIV infection and/or AIDS from infected persons to others by known means of transmission in the reasonable medical opinion of the Director of the Wichita/Sedgwick County Health Department.
- C. "HIV" stands for Human Immunodeficiency Virus. It is a virus that causes the immune system to deteriorate.
- D. "HIV Positive" refers to a person infected with HIV, who has yet to develop symptoms. The virus is present in the blood, semen and vaginal secretions and can be transmitted to other people who engage in sex or share needles. Once a person is HIV positive, he/she will probably develop symptoms and eventually progress to AIDS.
- E. "AIDS" stands for Acquired Immune Deficiency Syndrome. It is the last stage of a serious condition characterized by a defect in natural immunity against disease. That defect is caused by a virus, the Human Immunodeficiency Virus (HIV). With this loss in immune response, the individual falls prey to a host of what are called "opportunistic infections". These are unusual infections or lesions not ordinarily seen in otherwise healthy persons. AIDS is the last stage of HIV infection.

IV. Procedure

- A. County Officials and Supervisors, at all levels, will be expected to implement this Policy to ensure that the workplace is free of discrimination and harassment of individuals with HIV infection and/or AIDS, while also providing a safe working environment for County employees.

- B. To further ensure the effectiveness of this Policy, the County believes that education is the key to understanding the consequences of the HIV infection and AIDS in the workplace. To reaffirm the County's Policy and to offer employees the opportunity to familiarize themselves with the facts about AIDS, the Human Resources/Training Department will provide information about HIV/AIDS to County employees in accordance with schedules established by the County Manager's office.
- C. The County will make available counseling for persons who are HIV positive or have AIDS by contacting the Employee Assistance Program or the Wichita/Sedgwick County Health Department for referral to an appropriate agency or person.
- D. Leaves of absence for persons infected with HIV will be in accordance with Sedgwick County Policy.
- E. Management of Exposures to Blood & Body Fluids (Wichita-Sedgwick County Health Department):

These procedures will be followed when employees have been exposed to a person's blood or other body fluids while engaged in job duties. Testing will be performed by the Health Department.

1. Exposure to blood or body fluids can occur through a cut, splash to the eyes or mouth or skin exposure to blood. Any such incidents should be reported to a supervisor immediately and the Sedgwick County Health Department should be notified. Depending on the degree of exposure, whether or not the source person is high risk, or the existence of compelling medical or public health reasons, the source person will be informed of the exposure, sign a consent form and be tested for HIV (AIDS virus) infection. If the source is another employee, refusal to be tested may result in disciplinary action, including termination.
2. If the source person has AIDS, is positive for the HIV antibody, or refuses the test, the exposed employee will be counseled regarding the risk of infection and be tested for HIV as soon after the exposure as possible. The employee will be advised to seek medical evaluation for any severe illness with fever, rash or lymphatic swelling that occurs within twelve (12) weeks after exposure. Employees who test negative for HIV will be retested at six (6) weeks, twelve (12) weeks and six (6) months after exposure. During this follow-up period, exposed employees should follow U.S. Public Service recommendations for preventing transmission of HIV.
3. If the source person tests negative, no further follow-up for the exposed employee is necessary unless the source is at high risk of HIV infection. In this case, the source person may be retested twelve (12) weeks after the first test. If the source person cannot be identified, decisions regarding follow-up for the exposed employee will be made on an individual basis.

4. HIV testing will be available from the Health Department to all employees who are concerned they may have been infected with HIV. Any questions about this procedure should be directed to the Health Department.