



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 70.46, **HIV/AIDS Policy for the Workplace**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish a policy and procedure for educating the institution's workforce concerning exposure to HIV/AIDS and to establish a workplace policy addressing the rights and responsibilities of infected employees.

REVIEW: This HSC OP will be reviewed on June 1st of each even-numbered year (ENY) by the Vice President and Chief Human Resources Officer and with recommendations for revisions forwarded to the Executive Vice President and Chief Operating Officer by June 30th.

POLICY/PROCEDURE:

1. **Background.** Texas Tech University Health Sciences Center (TTUHSC) is required under state law as a state agency to adopt and carry out workplace HIV/AIDS guidelines. In addition, as a contractor with specific other state agencies, TTUHSC is required to adopt and carry out employee training on the guidelines set forth by the Texas Department of Health, Health and Safety Code [85.113](#).
2. **General.** TTUHSC has developed and will carry out employee education programs in order to help reduce employees' fears and misconceptions about HIV/AIDS and help to:
 - a. Provide current and accurate scientific evidence that people with HIV infection do not pose a risk of transmitting the virus to co-workers through ordinary contact;
 - b. Provide employees with current information about HIV risk reduction for employees and their families;
 - c. Avoid conflict between the infected employee and TTUHSC regarding discrimination or any other employment issues;
 - d. Prevent work disruption and rejection of the infected employee by co-workers;
 - e. Inform employees that they have rights regarding work continuation, confidentiality of medical and insurance records, and general health and safety;
 - f. Provide specific and ongoing education to employees in health care settings who are at risk of exposure to HIV and to assure that appropriate infection-control procedures are used; and
 - g. Reduce the financial impact, legal implications, and other possible effects of HIV/AIDS in the workplace.
3. Use of an individual's HIV status to decide employment, service delivery, or to deny services to HIV-infected individuals is not acceptable. Employees who believe that they have been discriminated against because of HIV or AIDS should contact Human Resources to discuss the matter.
4. This agency complies with the ADA protections of all people with disabilities against discrimination in job application procedures, hiring, promotions, discharge, compensation, job training, and other terms or conditions of employment.

5. Procedures may be adapted to provide reasonable accommodation so that people with disabilities may remain employed and productive for as long as possible. All employees, however, are expected to perform the essential functions of their jobs with or without reasonable accommodation.
6. While the ADA does protect disabled employees from employment discrimination, all employees, those with and without disabilities, have the same performance and conduct standards.
7. The following options may be considered for persons with HIV/AIDS:
 - a. Possible assignment or reassignment of job duties;
 - b. Leaves of absence; and
 - c. Flexible work schedules.
8. TTUHSC will protect the confidentiality of employee medical records and information. The employee's written consent must be obtained to share any confidential information with other staff. Those with access to confidential information must maintain strict confidentiality and privacy, separating this information from employees' personnel records. Individuals who fail to protect these employee rights commit a serious offense, which may be cause for litigation, resulting in both civil and criminal penalties (Health and Safety Code, Section 81.103, "Confidentiality; Criminal Penalty"), and may result in dismissal.
9. Employees do not have the right to refuse to work with someone who has a disability.
10. Employees will receive education about methods of transmission and prevention of HIV infection and related conditions.
11. Any employee who wants assistance concerning a disability or life-threatening illness should contact the Office of Institutional Health and Wellness. TTUHSC offers the following resources to help employees and managers deal with these issues:
 - a. Education and information concerning HIV/AIDS;
 - b. Confidential referral to supportive services for employees and dependents affected by life-threatening illnesses; and
 - c. Benefits consultation to help employees effectively manage health, leave, and other benefits.
12. **Right to Change Policy.** TTUHSC reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees.