

<b>CITY OF NEW LONDON HIV and AIDS Privacy Policy</b>		
<b>Issue Date:</b> January 13, 2009	<b>Revision Update(s):</b>	<b>Total Pages:</b> 4
<b>Policy Source:</b> Cities and Villages Mutual Insurance Company		
<b>Special Instructions:</b> Review annually for law or court interpretation changes.		

## **I. PURPOSE**

The purpose of this policy is to ensure awareness of the City of New London's position with respect to HIV (Human Immunodeficiency Virus) and AIDS (Acquired Immune Deficiency Syndrome) in the workplace, precautions that will be taken to maintain the confidentiality of the medical condition(s) of employees, the prohibition against harassment/discrimination of employees who have been medically diagnosed with or who are suspected of having HIV &/or AIDS, and compliance with the American's with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA) and other applicable Federal and/or State laws.

## **II. POLICY**

The City recognizes the serious nature of the health problems of HIV & AIDS and the threat it poses to employees. The physical and emotional health and well being of all employees will be protected. The City considers HIV & AIDS as it does any other chronic illness and does not approve of and will take action against cases of discrimination or harassment based on a person's actual or suspected HIV &/or AIDS status.

Based on current medical knowledge, individuals infected with HIV/AIDS do not present a risk to the health or safety of employees or citizens. The City recognizes that HIV/AIDS is a life-threatening illness that is not transmitted through casual personal contact under normal working conditions.

Employees will be expected to maintain working relationships with any employee who has HIV/AIDS. Further information and concerns about contracting HIV &/or AIDS may be addressed through the City's Employee Assistance Program (EAP).

### **A. HIV/AIDS and Employment**

#### **1. Disability**

The City treats HIV/AIDS as disabilities in accordance with the requirements of the American's with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973. An applicant with HIV/AIDS and who is otherwise qualified for the position is protected from adverse employment action on the basis of their disability. A current employee with HIV/AIDS is expected to meet the same performance requirements applicable to other employees, with reasonable accommodation if necessary. If an employee becomes disabled, supervisors will follow the City's ADA and reasonable accommodation policy. Reasonable accommodation may include, but is not limited to: flexible or part-time work schedules, leave of absence, work restructuring or job reassignment.

## **2. Harassment/Discrimination**

Any employee found to have violated the City's/Village's policy on HIV/AIDS, or found guilty of discriminating or harassing an individual afflicted with HIV/AIDS will be subject to discipline, up to and including discharge. Any employee who believes that he/she is being discriminated against or harassed, or knows or suspects the occurrence of HIV/AIDS discrimination or harassment should report it to their supervisor, or the City Administrator.

## **3. Leave of Absence**

Employees who have HIV/AIDS will be provided a leave of absence, as applicable, in accordance with the City's Family and Medical Leave Policy (FMLA), or its sick leave policy or the unpaid leave of absence policy.

## **4. Applicants**

The City prohibits pre-employment inquiries that are likely to elicit information regarding a disability. If HIV/AIDS disability information is voluntarily disclosed to the City, inquiry may be made regarding reasonable accommodation.

Pre-employment HIV/AIDS testing is prohibited, prior to a conditional offer of employment. Medical examinations may be required for specific City positions after a job offer, and will be required of all employees in the same position. Post-employment, any medical exams performed must be job related and consistent with business necessity.

## **B. Confidentiality**

The City recognizes that an employee's health condition is generally a private and personal matter, and will protect the confidentiality of the situation and any related documentation. An employee with HIV/AIDS is under no obligation to disclose his or her condition to a supervisor or any other employee of the City. Supervisors are expected to take careful precautions to protect the confidentiality of information regarding any employee's health condition, including an employee with HIV/AIDS.

As required by the American's with Disabilities Act (ADA) records relating to disabilities and accommodations must remain confidential. Medical information must be kept in locked medical files, separate from personnel records, with limited access. Medical information may only be released in the following limited circumstances:

- Supervisors may be told about necessary restrictions and/or accommodations;
- First aid and safety officials may be told if the disability may require emergency treatment;
- Government officials investigating compliance with ADA must be provided with requested information.

Unauthorized release of confidential information shall be reported to the city Administrator, and appropriate disciplinary action may be taken, up to and including termination.

### **C. Additional Information, Contact Information and Referral Sources**

Employees are encouraged to seek additional information and education regarding HIV/AIDS through the EAP program. Questions concerning HIV/AIDS shall be addressed to the City Administrator, who may assist in addressing employee concerns, gathering additional information or referring employees to the appropriate agencies and resources that offer supportive services.

Additional information may be obtained from the following resources:

- 1. Employee Assistance Program (EAP):**  
Theda Care at Work  
444 North Westhill Blvd.  
Appleton, WI 54914  
800- 236- 3666
- 2. American Red Cross National Headquarters**  
2025 East Street, NW  
Washington, DC 20006  
202-303-4498  
[www.redcross.org/services/hss/hiv aids/work2.html](http://www.redcross.org/services/hss/hiv aids/work2.html)
- 3. Business Responds to AIDS and Labor Responds to AIDS (BRTA/LRTA)**  
P.O. Box 6003  
Rockville, MD 20849-6003  
800-243-7012  
[www.brta-lrta.org](http://www.brta-lrta.org)
- 4. Centers for Disease Control**  
1600 Clifton Rd.  
Atlanta, GA 30333  
800-311-3435
- 5. Equal Employment Opportunity Commission (EEOC)**  
1801 L Street, NW  
Washington, DC 20507  
800-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)
- 6. Job Accommodation Network (JAN)**  
P.O. Box 6080  
Morgantown, WV 26506-6080  
800-ADA-WORK  
[www.jan.wvu.edu](http://www.jan.wvu.edu)

### **III. PROCEDURES**

Any supervisor who becomes aware of potentially life threatening and/or disabling conditions, including HIV/AIDS should consult with the City Administrator as soon as possible. The evaluation of the potential problems, dangers and/or accommodations that accompany these conditions will be handled on a case-by-case basis, considering existing medical and scientific evidence.

#### **IV. DEFINITIONS**

- A. Acquired Immune Deficiency Syndrome (AIDS):** A severe immunological disorder caused by the retrovirus HIV, resulting in a defect in cell-mediated immune response that is manifested by increased susceptibility to opportunistic infections and to certain rare cancers, especially Kaposi's sarcoma. It is transmitted primarily by exposure to contaminated body fluids, especially blood and semen.
- B. Human immunodeficiency virus (HIV):** A retrovirus that causes AIDS by infecting helper T cells of the immune system. The most common type, HIV-1, is distributed worldwide.