



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

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

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP 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 HSCEP OP will be reviewed on June 1 of each even-numbered year (ENY) by the Executive Director for Human Resources or designee and with recommendations for revisions submitted to the Chief Financial Officer or designee by June 30.

### **POLICY/PROCEDURE:**

1. **Background.** Texas Tech University Health Sciences Center El Paso (TTUHSCEP) 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, TTUHSCEP is required to adopt and carry out employee training on the guidelines set forth by the Texas Department of Health (Health and Safety Code, Section 85.113).
2. **General.** TTUHSCEP 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 TTUHSCEP 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 the Assistant Vice President for Human Resources to discuss the matter, or initiate action through TTUHSCEP's grievance procedure.
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. TTUHSCEP will protect the confidentiality of employee medical records and information. Written consent of the employee 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. All 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 Human Resources Department. TTUHSCEP 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.** TTUHSCEP 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.