

EMPLOYEES WITH HIV-RELATED ILLNESS

The Board of Education recognizes the public concern over the health issues surrounding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection. The Board also recognizes, based upon the current state of medical knowledge, there is no evidence that HIV can be transmitted by casual social contact in the school setting.

The Board acknowledges the interests of employees diagnosed as having HIV infection or AIDS in continuing their employment, as well as the interests of all students and employees of the school district to learn and work without being subjected to significant risks to their health. The Board also takes notice that under current law and regulations the disclosure of confidential HIV-related information must be strictly limited.

Accordingly, it is the policy of the Board of Education that no district employee shall be prevented from continuing his or her employment solely on the basis of such information. They are entitled to all rights, privileges, and services accorded to other employees.

In accordance with current law and regulations, it is also the policy of the Board to prevent any employee from being subjected to adverse or discriminatory treatment or stigma solely because he or she has been diagnosed as being HIV-infected or having AIDS.

The Superintendent of Schools is hereby directed to develop administrative regulations in regard to avoiding employment discrimination against employees diagnosed as being HIV-infected or having AIDS.

The Superintendent also shall implement, and all school personnel shall comply with, guidelines and routine sanitary hygiene procedures which may involve handling of body fluids, blood and blood spills in or on school premises and grounds. The Superintendent should consult public health officials, as appropriate, for the most current methods and information pertaining to such procedures.

In addition, the Superintendent shall develop and immediately implement in-service education and training for all school personnel concerning AIDS and HIV infection and measures to prevent and manage exposures in the workplace.

EMPLOYEES WITH HIV-RELATED ILLNESS REGULATIONS:

If information is received regarding an employee's HIV status, the Superintendent of Schools may consult with the school attorney on the appropriate course of action to take under the circumstances, bearing in mind the district's potential liability for defamation, employment discrimination, breach of the confidentiality requirements of Article 27-F of the New York Public Health Law, and other possible causes of action.

CONFIDENTIALITY:

Information obtained pursuant to the New York State Health Department's Authorization for Release of Confidential HIV Related Information form, (see form attached), or court order is confidential and shall not be released to anyone, except to (1) persons listed on the said form; (2) persons listed on the court order pursuant to Section 2785 of the New York State Health Law; or (3) persons authorized to receive such information without a release or court order under Section 2782 of the New York State Public Health Law.

AIDS/HIV TESTING:

No school official shall require any employee to undergo an HIV antibody test or other HIV-related test. This policy shall not, however, preclude school officials from requiring an employee to undergo an examination under Education Law 913, when other illness is suspected, as long as no involuntary HIV antibody test or other HIV-related test is administered as a part of such an examination.

STANDARDS FOR AVOIDING EMPLOYMENT DISCRIMINATION:

No disciplinary action or other adverse personnel action shall be taken against an employee solely because he/she has HIV infection or AIDS. Action may be taken against an employee only if he/she is disabled and the disability interferes with his/her ability to perform, in a reasonable manner, the activities involved in the job or occupation.

The district shall make such reasonable accommodation to enable the employee to perform employment duties as may be required by federal or state law.

APPROVED: BOARD OF EDUCATION

DATE: September 21, 1993

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