

College Operating Procedures (COP)



Procedure Title: HIV/AIDS and Other Life-Threatening Illnesses
Procedure Number: 05-0802
Originating Department: Office of Human Resources

Specific Authority:

Board Policy 6Hx6:5.01
Florida Statute 1001.64/68
Florida Administrative Code n/a

Procedure Actions: Adopted: 4/23/92; 11/3/04; 12/2/08; 11/1/10; 4/16/12

Purpose Statement: To establish procedures for College employees and students to have a safe working environment and equal opportunity, including those with a life-threatening illness.

Guidelines:

The College is committed to providing equal opportunity to all employees, including those who have a life-threatening illness (cancer, AIDS, cardio-pulmonary diseases, etc.). See Chapter 6Hx6:5.01 of the Florida SouthWestern State College State College Policies Manual for the Policy regarding Employees with Human Immunodeficiency Virus (HIV).

The College is committed to providing a safe work environment that meets or exceeds state and federal regulations. Consequently, employees who have a life-threatening illness will be treated like other employees as long as they meet performance standards and medical and other evidence indicates that their condition is not a threat to themselves or others. All information regarding an employee with a life-threatening illness will remain private and confidential.

1. For purposes of this policy, an employee with Human Immunodeficiency Virus falls into one of the following categories:
 - a. An individual who tests positive for HIV antibody but who has no symptom manifestations, or
 - b. An individual who is diagnosed as having AIDS Related Complex (ARC) – debilitating symptoms but no opportunistic infections, or
 - c. An individual who is diagnosed as having Acquired Immune Deficiency Syndrome
2. The College recognizes that an employee with HIV has rights to employment which must be balanced against the rights of employees without HIV to work in an environment in which they are protected from contracting the virus.
 - a. Both the Federal Vocational Rehabilitation Act of 1973 and the Florida Educational Equity Act prohibits discrimination against persons with disabilities; and a person who has HIV is classified as disabled.

- b. The College will ordinarily impose no rules or restrictions on an employee with HIV which would have the effect of unnecessarily limiting participation in educational programs or activities.
 - c. It is the policy of the College that no inquiry will be made of a potential employee as to whether or not that person has HIV.
 - d. The College will not subject a potential employee to serological testing to determine the presence or absence of HIV.
 - e. Any employee who voluntarily informs the College that he/she has HIV will be afforded confidentiality regarding disclosure of the medical condition, in accordance with appropriate statute and/or case law.
 - f. An employee with HIV who does not request special accommodations ordinarily will be treated in the same manner as an employee without HIV with an illness, injury, or disability.
 - g. An employee with HIV will be allowed to use accrued sick leave or annual leave as needed and upon approved request to use same.
 - h. Under most circumstances, an employee with HIV will be able to remain employed so long as that person is able to meet customary job performance standards without hazard or harm to self or to others.
 - i. As may be deemed necessary by the College, an employee may be required to submit to competent medical examination by a College-designated physician to determine if the employee is indeed able to perform his/her duties without hazard or harm to himself/herself or the College community.
 - ii. All recommendations regarding disposition of such matters will be made by the District Director, Human Resources in consultation with the Assistant General Counsel/Equity Officer, who has final authority.
 - i. Where feasible and practical, when requested by the employee, reassignment or job restructuring may be done to permit continued employment.
 - i. The latest issue of such guidelines will always be maintained in the Learning Resources Center.
 - ii. The District Director, Human Resources shall provide information upon request to employees with HIV regarding available services within the community.
3. Any employee with HIV who feels that he/she has been discriminated against should notify the Assistant General Counsel.