

SOUTH DAKOTA BOARD OF REGENTS

Policy Manual

SUBJECT: AIDS

NUMBER: 4:28

AIDS in the Workplace

Introduction

Acquired Immunodeficiency Syndrome (AIDS) is a major health problem in the United States, and there is increasing need for establishing appropriate guidelines for the workplace because of the complex social issues surrounding the disease. Since the AIDS virus is not transmitted by the kind of nonsexual person-to-person contact that generally takes place among employees and students in the campus setting, there is no medically established basis for not wanting to work with fellow employees or students who have been or are suspected of being infected with the AIDS virus. Therefore, employees or students with AIDS or HIV infection should be treated as any other employee or student. This policy is designed to assist presidents and superintendents in establishing an appropriate workplace policy on AIDS which will allay unnecessary concerns or fears and which will enhance employees' understanding about the nature and transmission of the disease.

Policy Implementation

- A. Definition: "AIDS" means all medical conditions caused by the human immunodeficiency virus (HIV) to include clinical AIDS, AIDS related conditions (ARC), and asymptomatic HIV infection.
- B. Personnel Policies: All existing personnel rules and policies regarding employment, working conditions, hiring, dismissal, sick leave, disability, and related matters must apply to individuals with AIDS on the same basis as for persons having other diseases or conditions which may incapacitate them for work or otherwise affect job performance.
- C. AIDS Testing: AIDS serologic testing must not be requested or required of individuals as a condition of preemployment, continuing employment, or eligibility for services.
- D. Discrimination: Employees and employers must not discriminate against any individual, employee, or student on the basis that the person has AIDS, is suspected of having AIDS, or is perceived as being at risk of acquiring AIDS.
- E. Privacy and Confidentiality: Because AIDS-related information is generally medical

information which should be treated confidentially, policies must be implemented to ensure that only persons with a need to know have access to confidential medical information concerning any employee or student.

- F. Health and Safety Standards: Because of potential contact with possibly infective blood and other body fluids, health care workers with responsibility to provide direct patient care must routinely follow recognized infection control precautions for blood-borne diseases. Institutions which employ health care workers that provide direct patient care must ensure that appropriate policies are implemented to protect workers, clients, patients and students from potential infection. Such policies must be consistent with the recommendations of the Centers for Disease control, United States Public Health Service, pertaining to "Prevention of HIV Transmission in Health-Care Settings" as issued August 21, 1987, updated June 24, 1988, and including all future revisions.
- G. Information and Education: Institutions must ensure accurate information is provided to all employees and supervisors relative to AIDS issues so as to prevent unnecessary fear and anxiety when working with others.
- H. Supplemental Policies: Institutions are encouraged to implement additional AIDS policies which may be needed for unique or special workplace situations. The South Dakota Department of Health has agreed to provide consultation and direction in the development of such policies.

Education

- A. University and college employees should receive education about AIDS and the communicable diseases as appropriate through review sessions prior to the arrival of the new students each year.

SOURCE: Current Policy Manual 8.8.1; 8.8.2; 8.8.3