

PERSONNEL

Management of Employees with Acquired Immunodeficiency Syndrome (AIDS)/Human Immunodeficiency Virus (HIV)

The Rockford Board of Education recognizes the need to establish a policy to protect the rights of any District employee who has been diagnosed as having Acquired Immunodeficiency Syndrome (AIDS)/Human Immunodeficiency Virus (HIV) Infection.

It is the responsibility of the Board of Education to ensure that each District employee is in a state of physical condition which will not endanger his/her personal health or the health of others. Concerns regarding health matters must be approached within the boundaries of confidentiality.

If information is received regarding an employee's AIDS/HIV status, the Superintendent or his designee, may consult with the School District Attorney on the appropriate course of action to pursue, bearing in mind the District's potential liability for defamation, employment discrimination, and/or breach of the confidentiality requirements.

This policy was developed consistent with guidelines of the U.S. Department of Public Health Services Center for Disease Control and Prevention, the Americans With Disabilities Act, and the Illinois Human Rights Act.

Background

The following factors have provided a knowledge base for policy and procedures development:

- A. The Human Immunodeficiency Virus (HIV) causes AIDS, a disease characterized by a collapse of the body's natural immunity against disease.
- B. Current medical data indicates that AIDS/HIV is transmitted by an exchange of bodily fluids, primarily blood, semen, vaginal secretions, and breast milk.
- C. Current medical data indicates that AIDS/HIV is not transmitted through casual school or other social contact.
- D. A person with AIDS/HIV infection is highly susceptible to common infectious diseases or fatal illnesses due to the immunodeficiency.
- E. Since the diagnosis of AIDS/HIV infection may stigmatize the person, the District will maintain confidentiality of all records and information consistent with state law.

- F. The use of the District's Blood Borne Pathogen Exposure Control Plan, specifically Universal Precautions, lowers the risk of transmission of most blood borne infectious diseases, including AIDS/HIV.

Policy

An Employee with Acquired Immunodeficiency Syndrome (AIDS)/Human Immunodeficiency Virus (HIV) has all rights, privileges, and services provided by law and the District's policies. The Superintendent shall develop procedures to implement this policy:

1. No District employee who is diagnosed with AIDS or HIV infection may be prevented from continuing his/her employment on the basis of this diagnosis. The Rockford Board of Education recognizes that an employee with HIV/AIDS (or any other life threatening illnesses) may wish to continue to engage in as many of his/her normal pursuits as his/her illness allows, including work.
2. No employee shall be required to have any testing or medical consultation to rule out the possibility of AIDS/HIV infection.
3. AIDS/HIV information will remain strictly confidential. Permissible disclosure will occur pursuant only to a signed authorization for release of information or court order.
4. The Rockford Board of Education does not discriminate against a qualified individual with a disability with regard to job application, hiring, advancement, discharge, compensation, training, or other terms, conditions, or privileges of employment.
5. As long as an employee is able to perform his/her essential job functions, management is sensitive to his/her health concerns and will ensure his/her treatment as similar to that of other employees.
6. All District employees will receive in-service training and education regarding AIDS/HIV infection and measures included in the District's Blood Borne Pathogen Exposure Control Plan.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791.
820 ILCS 40/1 et seq.
20 ILCS 2305/6.
105 ILCS 5/24-5.
Rules and Regulations for the Control of Communicable Diseases,
issued by the Illinois Department of Public Health.

CROSS REF.: 2.150, 5.30, 5.180

Adopted: July 8, 1997