

**TEXAS STATE TECHNICAL COLLEGE SYSTEM  
SYSTEM OPERATING STANDARD**

<b>No. HR 2.4.4</b>	<b>Page 1 of 6</b>	<b>Effective Date: 04/01/94</b>
<b>DIVISION:</b>	<b>HUMAN RESOURCES</b>	
<b>SUBJECT:</b>	<b>AIDS/HIV in the Workplace and Learning Environment</b>	
<b>AUTHORITY:</b>	<b>Public Law 101-336, Senate Bill 959</b>	
<b>SUBMITTED BY:</b>	<i>Original Signed by Arthur Douglas</i>	
<b>TITLE:</b>	<b>Director of Human Resources</b>	<b>Date: 03/28/94</b>
<b>APPROVED BY:</b>	<i>Original Signed by Cecil L. Groves</i>	
<b>TITLE:</b>	<b>Chancellor</b>	<b>Date: 03/28/94</b>

**STATUS:** Approved by MC 03/24/94

**HISTORICAL STATUS:** Revised 3/17/94

**POLICY**

**COMPLIANCE**

**PERTINENT INFORMATION**

Public Law 101-336, The Americans with Disabilities Act (ADA) of 1990, prohibits discrimination based on relationship or association in order to protect individuals from action based on unfounded assumptions that their relationship to a person with a disability would affect their job performance, and from actions caused by bias or misinformation concerning certain disabilities. Senate Bill 959, passed in the 71st Legislature, specifies that workplace guidelines be promulgated to assure that the rights and privileges of individuals infected with the Human Immunodeficiency Virus ("HIV") are protected. Pursuant to these requirements and in recognition of the serious nature of HIV and related health issues in the work and learning environment, the following guidelines are established for Texas State Technical College System.

As used in this System Operating Standard, the following definitions apply:

Acquired Immune Deficiency Syndrome (AIDS): A disease, caused by a virus, that breaks down part of the body's immune system, leaving a person defenseless against a variety of unusual, life-threatening illnesses.

Human Immunodeficiency Virus (HIV): The name for the causative agent of AIDS which cripples the body's ability, through the immune system, to fight infection.

Current scientific and medical technology has determined that HIV is transmitted through certain

behaviors, not the environment, and that there is no risk of HIV/AIDS infection through routine daily contact. Live HIV must gain entry to the blood stream or mucous membranes to cause infection. Employees and students are not at risk of exposure to HIV through:

1. casual contact (shaking hands, working side-by-side);
2. use of equipment or supplies (tools, telephones, machinery, computers);
3. use of rest rooms, eating or cooking facilities, water fountains;
4. the environment (air, water, insects); or
5. donating blood for blood drives, if normal precautions are observed by blood drive personnel.

### **HIV/AIDS IN THE WORK/LEARNING ENVIRONMENT**

The existence of HIV infection should not be used to determine suitability of applicants for employment or for student admission unless current scientific information indicates that required activities may expose others to risk of transmission.

A student with HIV infection should be allowed to attend classes without restrictions as long as the student is physically and mentally able to participate, perform assigned work and poses no health risk to others. A written medical opinion indicating that their condition does not pose a threat should be provided (Minute Order 45-88).

An HIV-infected employee will remain employed as long as he or she meets job performance standards and does not engage in activities on the job which current scientific information indicates may expose others to risk of transmission.

A person's refusal to work or attend classes with HIV-infected individuals will be carefully monitored and documented. Appropriate accommodation or corrective or disciplinary measures may be implemented for people who refuse to work or attend classes with HIV-infected individuals.

### **EMPLOYEE RESPONSIBILITY**

During the period when no symptoms of the disease are present, the employee is not obligated to provide information about his/her HIV status to the employer. Once HIV-related symptoms occur, it is the employee's responsibility to provide to the employer medically verified information relating to the employee's ability to perform job duties.

### **ELIGIBILITY FOR BENEFITS**

Workers' Compensation - For the purpose of qualifying for Workers' Compensation or any other similar benefits, State law requires that an employee must provide a written statement of the date and

circumstances of the work-related exposure to HIV infection and document the fact that, within ten days or less after the exposure, the employee had a test result that indicated an absence of HIV infection. An employee who may have been exposed to HIV while performing duties of employment may not be required to be tested; however, refusal to be tested may jeopardize Workers' Compensation benefits.

Unemployment Compensation Benefits - An individual will be disqualified for benefits if the Texas Employment Commission finds that the employee left work voluntarily or had been discharged from employment based on a refusal to provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the college provided facilities, equipment, training and supplies necessary to take reasonable precautions against infection.

Health Benefits - No college student or employee will be discriminated against under a health benefits plan endorsed by the college on the basis of a positive HIV test result.

### **GUIDELINES RELATED TO SPECIFIC PROFESSIONS**

Safety Precautions - Separate guidelines shall exist for health care workers and students in the health professions concerning prevention of transmission of HIV and concerning health care workers who have HIV infection. Separate guidelines shall also exist for police officers for the handling, care and treatment of HIV/AIDS-infected persons in their custody. In addition, the disposal of all supplies shall follow the procedures regarding the disposal of biomedical waste. Each health care worker who is involved in hands-on patient care should complete an educational course about HIV infection based on the model education program and workplace guidelines developed by the Texas Department of Health and the guidelines documented.

### **DELEGATION OF AUTHORITY**

The Chancellor and Presidents are responsible for the implementation of policies regarding employees or students with AIDS/HIV on the respective TSTC System units or at their work stations.

The TSTC System Office of Human Resources is responsible for recommending procedures necessary for the program to meet its objectives and to identify sources or consultants to ensure that actions will have positive medical and judicial opinions.

### **OPERATING REQUIREMENTS**

On an annual basis, a group of administrators, faculty, staff and students will be designated to advise, organize and oversee the educational program and to provide the mechanism for proposing policy decisions or revisions as necessary. It is essential that the committee include at least one person trained and knowledgeable in health care, epidemics and/or contagious diseases.

Peace officers, fire fighters, and emergency medical workers may be exposed to blood or other body

fluids of AIDS victims because of accidents, fires, or violence. By observing a few simple rules, workers can avoid infection.

- a. Avoid wounds from weapons and punctures from hypodermic needles used by drug abusers. Blood on these articles could cause infection.
- b. Place contaminated articles in a cut-proof evidence bag to be taken to a laboratory for examination or disposal.
- c. Clean up blood spills promptly with freshly diluted house-hold bleach one part bleach to ten (10) parts water.
- d. If mouth-to-mouth resuscitation is necessary for an AIDS patient, use an "S tube" or a hand operated resuscitator bag.
- e. Wash hands thoroughly with soap and running water after exposure to any possible source of infection.
- f. Wear protective masks, gloves, gowns, and shoe coverings if there is a chance of exposure to blood or other body fluids of an AIDS patient.

Each TSTC System unit shall offer educational training programs on HIV/AIDS to students and employees. Such programs will be tailored to the cultural, educational, language and developmental needs of the target audience.

Each TSTC System unit shall annually provide employees an educational pamphlet about methods of transmission and prevention of HIV infection and relevant State laws. The Texas Department of Health educational pamphlet entitled "AIDS and the Workplace" will be used to the extent possible. The pamphlet shall also be provided to new employees during orientation.

Each campus shall make available to students, on request, one or more educational pamphlets on HIV infection developed by the Texas Department of Health or similar educational materials and shall include in the student handbook a statement that pamphlets are available.

### **HIV TESTING**

**Mandatory Testing** - No programs for mandatory HIV testing of employees or students, should be undertaken unless required by law or court order.

**Voluntary Testing and Counseling** - the student health units shall offer, or refer students, faculty and staff members for confidential or anonymous HIV counseling and testing services. All testing conducted by the college will comply with the section Informed Consent and will include counseling before and after the test. Unless required by law, test results will be revealed to the person tested only when the opportunity is provided for immediate, individual, face-to-face counseling about:

1. the meaning of the test result;
2. the possible need for additional testing;

3. measures to prevent the transmission of HIV;
4. the availability of appropriate health care services, including mental health care, and appropriate social and support services in the geographic area of the person's residence;
5. the benefits of partner notification;
6. the availability of partner notification programs; and
7. identifying and changing high risk behaviors.

Informed Consent - Unless otherwise authorized or required by law, no HIV test shall be performed without informed consent of the person to be tested. Consent should be written on a separate form, or the medical record will document that the test has been explained and consent has been obtained. The consent form should state that post-test counseling will be offered or the medical record should note that the patient has been informed that post-test counseling will be offered.

Reporting of Test Results - HIV test results will be reported in compliance with all applicable statutory requirements, including the Communicable Disease Prevention and Control Act, Texas Health and Safety Code, Section 81.001.

Conditions of HIV Testing of Employees at Institution's Expense - Employees will be informed that they may request HIV testing and counseling at the expense of the TSTC System unit if:

1. the employee documents, to the satisfaction of the Chancellor/President or the President's designee, possible exposure to HIV while performing duties of employment; and
2. the employee was exposed to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed by the Texas Department of Health and the Centers for Disease Control of the U.S. Public Health Service.

Based on the Federal Privacy Act, the Texas Commission on Human Rights Act and the Texas Communicable Disease Prevention and Control Act, any medical documentation or information provided by an HIV-infected employee or student to medical or management personnel must be considered confidential and private information. As such, employers are forbidden by law to disclose this information without the employee's knowledge and consent, except as provided by law (Communicable Disease Prevention and Control Act, Section 9.03, as amended by S.B. 959).

With consent of the HIV-infected employee, appropriate agency officials such as medical staff, human resources representatives and/or direct supervisors may be informed of the infected employee's conditions. Anyone who has access to confidential information is charged with maintaining strict confidentiality and privacy. It must be emphasized that any individual within an organization who breaches the HIV-infected employee's rights has committed a serious offense. This breach may be cause for disciplinary action and/or litigation, resulting in both civil and criminal penalties.

### **PERFORMANCE INDICATORS**

A curriculum of educational programs for employees and students shall be implemented and routinely provided to employees and students at least annually.

Educational pamphlets are being provided to all new employees and to all employees annually by each Office of Human resources. See appendix A.

The Advisory Committee is meeting as necessary or at least annually to review educational programs, particular cases, significant events or changes in facts and their impact on liability.



### **COLLEGE OPERATING PROCEDURE**

<b>COLLEGE</b>		<b>Page 1 of</b>
<b>OFFICE OF RESPONSIBILITY:</b>		
<b>APPROVED BY:</b>		
<b>TITLE:</b>		<b>Date</b>