

Hamblen County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 04/25/13
		Rescinds: GBRAA	Issued: 04/06/98

1 **LIABILITY AND NON-DISCRIMINATION**

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3 No employee who is diagnosed with HIV infection or AIDS shall be prevented from continuing his/
4 her employment. No disciplinary action may be taken against an employee solely on the basis of HIV
5 infection or AIDS. Action may be taken against an employee only if he/she is disabled and the disabili-
6 ty interferes with his/her ability to perform the activities involved in employment duties. The Board
7 shall make reasonable accommodation to enable the employee to perform employment duties as may
8 be required by state¹ or federal² law.

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10 **HIV/AIDS TESTING**

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12 No school official can require any employee to undergo an HIV antibody test or other HIV-related test.
13 This does not preclude school officials from requiring an employee to undergo an examination when
14 another communicable illness is suspected.³

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16 **CONFIDENTIALITY**

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18 If information is received regarding an employee's HIV status, the director of schools may consult with
19 the school board attorney on the appropriate course of action to pursue, bearing in mind the school
20 system's potential liability for defamation, employment discrimination, and breach of confidentiality
21 requirements.

22
23 Information about an employee's HIV status is not to be documented in the employee's personnel file
24 and shall not be faxed.³

25
26 Information obtained is confidential and may not be released to anyone except: ²

- 27
- 28 1. Persons named on an Authorization for Release of Confidential HIV-Related Information
29 Form
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 - 31 2. Persons listed on a court order
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 - 33 3. Persons authorized to receive such information without a release or court order according to
34 TCA 68-10-113
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36 Under no circumstances shall information identifying an employee with AIDS be released to the public.

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38 **INFECTION CONTROL**

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40 To prevent and manage exposure in the workplace, all school system employees shall receive in-service
41 training and education annually regarding HIV/AIDS and OSHA's Blood-borne Pathogens Standard.

1 The Board shall follow the most current Centers for Disease Control and Prevention (CDC) Universal
 2 Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and
 3 Other Blood-borne Pathogens in Health Care Settings.³

4
 5 **EDUCATION AND TRAINING**

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 7 Annually, the director of schools shall ensure that all employees, including newly hired staff, receive
 8 current HIV training. These programs may utilize the educational/training resources of agencies or private
 9 institutions with personnel trained in the areas of HIV/AIDS prevention education.³

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 11 The director of schools shall be responsible for developing, revising, and implementing the administrative
 12 guidelines and procedures for this policy. The director of schools shall be responsible for enforcing this
 13 policy by communicating it to all personnel and by providing necessary instruction to all administrators.

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<hr style="width: 25%; margin-left: 0;"/> <p>37 Legal References:</p> <p>38</p> <p>39 1. TCA 68-10-113</p> <p>40 2. 20 USC 1232(g); 29 CFR § 1630.13(b)</p> <p>41 3. State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools Revised, August</p> <p>42 18, 2005</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p>	<hr style="width: 25%; margin-left: 0;"/> <p>Cross Reference:</p> <p>Section 504 & ADA Grievance Procedures 1.802</p>
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