

Hardin County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 04/07/08
		Rescinds: 5.401	Issued: 10/02/07

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 s/he is disabled and the disability
6 interferes with his/her ability to perform the activities involved in employment duties. The Board shall
7 make reasonable accommodation to enable the employee to perform employment duties as may be re-
8 quired 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.
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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
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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
29 Information Form;
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 - 31 2. Persons listed on a court order, and
 - 32
 - 33 3. Persons authorized to receive such information without a release or court order according
34 to TCA 68-10-113.
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37 **Under no circumstances shall information identifying an employee with AIDS be released to the**
38 **public.**
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INFECTION CONTROL

To prevent and manage exposure in the workplace, all school system employees will receive in-service training and education annually regarding HIV/AIDS and OSHA's Blood-borne Pathogens Standard. The Board shall follow the most current Centers for Disease Control and Prevention (CDC) Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Blood-borne Pathogens in Health Care Settings.³

EDUCATION AND TRAINING

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

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

Legal References:

- 1. TCA 68-10-113
- 2. 20 USC 1232(g); 29 CFR § 1630.13(b)
- 3. State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools Revised, August 18, 2005

Cross Reference:

Section 504 & ADA Grievance Procedures 1.802