

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 300 Employees
TITLE: HIV Infection in
Employees
ADOPTED: November 18,
1985
REVISED: December 14,
2017

314.1 HIV INFECTION IN EMPLOYEES

Purpose

The School Reform Commission (SRC) is committed to providing a safe, healthy environment for its students and employees and adopts this policy to safeguard the health and well-being of students and employees while protecting the rights of employees. In fulfillment of that commitment, the SRC has and shall continue to seek guidance from appropriate medical, educational, legal and government authorities.

Definitions

HIV Infection/Diagnosis - refers to the disease caused by the HIV or human immunodeficiency virus. HIV is the virus that causes Acquired Immune Deficiency Syndrome (AIDS).

HIV Status-refers to a positive, negative or undetectable result in a lab test to detect HIV presence in the body.

HIV positive employee- refers to individuals medically diagnosed as having HIV Infection.

Health condition-the noted level of wellness in a person as it relates to their physical state and ability to participate in their routine and expected daily activities.

Bodily fluid--a fluid or fluid secretion (such as blood, lymph, saliva, semen, rectal fluid, drainage from cuts, vomitus, respiratory secretions or urine) of the body.

Authority

The SRC directs that the established SRC policies and administrative procedures relative to illnesses among district employees shall also apply to HIV positive employees.[1][2][3] Other provisions specific to HIV positive employees shall also be addressed in accordance with SRC Policy 203.1 HIV Infection. [4]

The SRC shall not require routine HIV screening tests in the workplace, nor will such tests be a condition for employment.

The district is committed to a policy of nondiscrimination based on actual or perceived HIV status.[2]

Delegation of Responsibility

The SRC directs that the established SRC policies and administrative procedures governing attendance relative to illnesses and other diseases among employees shall also apply to HIV positive employees.[1]

The Office of Employee Health Services shall be responsible for developing and releasing all procedures concerning HIV infection and HIV positive employees.

All district employees shall maintain a respectful working climate and shall not participate in physical or verbal harassment of any individual or group, including HIV positive (or perceived positive) employees.[2] [5]

An HIV positive employee whose employment is interrupted or terminated shall be entitled to available medical leave and medical disability benefits on the same eligibility basis as any other district employee who is qualified for such leave or benefits due to illness.[1][5]

Confidentiality

Every employee must treat as highly confidential any knowledge or speculation concerning the HIV status or diagnosis of an employee. Violation of medical privacy shall be cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.[2]

No information regarding a person's HIV status or diagnosis will be divulged to any individual or organization without a court order or the informed, written, signed and dated consent of the person who is HIV positive.

Employees shall not make inquiries regarding the HIV status or diagnosis of any employee.

The Office of Employee Health Services shall securely maintain any hard or electronic copy health records, notes or other documents that references a person's HIV status or diagnosis.[7]

Legal References:

1. Pol. 334 - Sick Leave
2. Pol. 104 - Nondiscrimination in Employment Practices
3. Pol. 348 - Unlawful Harassment
4. Pol 203.1- Student HIV Infection
5. Pol. 317 - Conduct/Disciplinary Procedures
6. Pol. 314 - Physical Examination
7. Pol. 324 - Personnel Files

Related Information:

24 P.S. 510

35 P.S. 7601 et seq

Philadelphia Home Rule Charter - 12-300