

Weakley County Board of Education



Monitoring:	Descriptor Term: Acquired Immune Deficiency Syndrome (AIDS)	Descriptor Code: 5.401	Issued Date: 6/7/2018
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LIABILITY AND NON-DISCRIMINATION

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

HIV/AIDS TESTING

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

CONFIDENTIALITY

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

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

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

1. Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
2. Persons listed on a court order, and
3. Persons authorized to receive such information without a release or court order according to TCA 68-10-113.

Under no circumstances shall information identifying an employee with AIDS be released to the public.

Legal References:

¹ TCA 68-10-113
² 20 USC 1232(g); 29 CFR § 1630.13(b)
³ State Board of Education Policy 5.300; TRR/MS 0520-1-3-.08(2)(g)

1 **INFECTION CONTROL**

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3 To prevent and manage exposure in the workplace, all school system employees will receive in-
4 service training and education annually regarding HIV/AIDS and OSHA's Blood-borne
5 Pathogens Standard. The Board shall follow the most current Centers for Disease Control and
6 Prevention (CDC) Universal Precautions for Preventing Transmission of Bloodborne Infections.³

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8 **EDUCATION AND TRAINING**

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

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

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Cross References:

1.802 Sec. 504/ADA Grievance Procedures