

<b>Bartlett City Board of Education</b>		<b>5005</b>
Descriptor Term: <b>ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)</b>	Descriptor Code: <b>Personnel</b>	Issue Date: <b>02/27/2014</b>
	Rescinds:	Revised: <b>11/19/2015</b>

1     **Liability and Non-Discrimination**

2     The Bartlett City Board of Education does not discriminate on the basis of infection with HIV or  
3     association with an individual who has contracted HIV. No employee who is diagnosed with HIV  
4     infection or AIDS shall be prevented from continuing their employment, and no disciplinary action  
5     may be taken against an employee solely on the basis of HIV infection or AIDS. An employee  
6     diagnosed with HIV infection or AIDS may work as long as he or she is able to perform essential  
7     functions of his or her position, with reasonable accommodation as may be necessary<sup>1</sup>, and  
8     without posing risk to the health of students or other employees. The Board shall make reasonable  
9     accommodation to enable the employee to perform employment duties as may be required by  
10    state or federal law.

11    **HIV/AIDS Testing**

12    No employee shall be required to have any blood tests or medical consultation to determine HIV  
13    status. This prohibition does not preclude school officials from requiring an employee to undergo  
14    an examination when other communicable disease is suspected.<sup>2</sup>

15    When it becomes known to the district that an employee has tested positive for HIV or has been  
16    diagnosed with AIDS or an HIV-related illness, the Superintendent may consult with the Board  
17    attorney on the appropriate course of action to pursue. The Superintendent shall initiate  
18    procedures which will ensure privacy and maintenance of all medically-related documents and  
19    information.

20    **Confidentiality**

21    HIV related information is confidential regardless of the source, including whether the information  
22    is obtained intentionally or unintentionally or through oral, written, or electronic communication.  
23    Every employee has a duty to treat as highly confidential any knowledge or speculation  
24    concerning an individual's HIV status. HIV/AIDS information may not be released to anyone  
25    except<sup>3</sup>

- 26           1. Persons named on an Authorization for Release of Confidential HIV-Related Information  
27           Form  
28           2. Persons listed on a court order  
29           3. Persons authorized to receive such information without a release or court order according  
30           to T.C.A. §68-10-113

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<sup>1</sup> State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools Revised, August 18, 2005

<sup>2</sup> 29 C.F.R. §1630.13(b)

<sup>3</sup> T.C.A. §68-10-113

1 In all instances, district personnel shall respect the individual's right to privacy, treat any medical  
2 diagnosis as confidential, and hold all medical information in the strictest confidence.. HIV/AIDS  
3 status shall not be documented in the employee's personnel file and shall not be faxed.<sup>4</sup> Under  
4 no circumstances shall information identifying an employee with AIDS be released to the public.

## 5 **Universal Precautions**

6 To prevent and manage exposure in the workplace, all employees, including newly hired staff,  
7 shall receive annual in-service training and education regarding HIV/AIDS and OSHA's  
8 Bloodborne Pathogen Standard. Training shall follow the most current Centers for Disease  
9 Control and Prevention (CDC) *Universal Precautions for Prevention of Transmission of HIV,*  
10 *Hepatitis B Virus, and Other Bloodborne Pathogens in Health Care Settings.* Measures, outlined  
11 in OSHA's Standard and necessary to eliminate or minimize the likelihood of employee exposure  
12 to Bloodborne pathogens, especially HIV, will be instituted as follows:

- 13 1. Development of a Bloodborne Pathogen Exposure Control Plan;
- 14 2. Training of all employees in universal precautions;
- 15 3. Determination of employee exposure risk status;
- 16 4. In-depth training of employees determined to be at risk for occupational exposure to  
17 bloodborne pathogens and the use of measures and equipment to reduce their risk for  
18 exposure;
- 19 5. Institution of engineering controls and work procedures to minimize risk;
- 20 6. Provision of personal protective equipment to protect employees during exposure  
21 incidents; and
- 22 7. Provision of HBV vaccination, and when required, boosters to employees at risk for  
23 occupational exposure to bloodborne pathogens during discharge of their normal duties  
24 and responsibilities.

25 The Bartlett City Board of Education will provide a post exposure medical evaluation for  
26 employees exposed to bloodborne pathogens during an exposure incident. Further medical  
27 treatment or counseling indicated by the post exposure medical evaluation will be supplied by the  
28 Bartlett City Board of Education.

## 29 **Education and Training**

30 Annually, the Superintendent shall ensure that all employees, including newly hired staff, receive  
31 current HIV training. These programs can utilize the educational/training resources of agencies  
32 or private institutions with personnel trained in the areas of HIV/AIDS prevention education. The  
33 Superintendent shall be responsible for developing, revising, and implementing administrative  
34 procedures for this policy. Additionally, the Superintendent shall be responsible for enforcing this  
35 policy by communicating and providing necessary instruction to all personnel.

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<sup>4</sup> State Board of Education Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools Revised, August 18, 2005; T.C.A. §68-10-113