ADS Chapter 407

Acquired Immune Deficiency Syndrome (AIDS) in the Workplace

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ADS 407 – Acquired Immune Deficiency Syndrome (AIDS) in the Workplace

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ADS 407 – Acquired Immune Deficiency Syndrome (AIDS) in the Workplace

407.1 OVERVIEW

To maintain a safe and healthy work environment for USAID employees and to ensure that USAID employees are educated about HIV/AIDS. And to protect the rights of an HIV infected employee and ensure that in so far as a HIV-infected employee can and is willing to work, such an employee will not be isolated from other employees in the workplace.

407.2 PRIMARY RESPONSIBILITIES

a. USAID Management is responsible for:

(1) Ensuring that employees are informed about HIV/AIDS in a manner that will promote a general acceptance of an HIV infected employee in the workplace so that co-workers will not have a basis upon which to refuse to work or withhold their services out of fear of contracting AIDS by working with an HIV infected person.

b. Supervisors are responsible for:

(1) Ensuring that reasonable accommodations are made to ensure that an HIV infected employee is able to perform the essential functions of the job, and

(2) Approving or disapproving requested leave.

c. The Bureau for Management, Office of Human Resources, Performance Management and Employee Services Division, Employee Services and Benefits Branch (M/HR/PMES/ESB) is responsible for:

(1) Providing information to an HIV infected employee concerning rights to group life and health insurance benefits, disability leaves of absence and any other disability benefits to which an HIV infected employee might be entitled.

d. The Office of Medical Services is responsible for:

(1) Assigning all medical clearances and approving or disapproving any temporary duty overseas assignment of an HIV/AIDS infected employee.

e. The USAID Mission and the Office of Medical Services are jointly responsible for:

(1) Approving or disapproving any HIV/AIDS infected employee long term assignment overseas.

f. Supervisors, managers and others making and implementing personnel management decisions involving an employee with HIV/AIDS are responsible for:

(1) Strictly observing applicable privacy and confidentiality requirements.

407.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

407.3.1 The Workplace

Employees with HIV/AIDS shall be allowed to continue working as long as they are able to maintain acceptable performance and do not pose a health or safety risk to themselves or others in the workplace.

407.3.2 Equal Treatment

Employees with HIV/AIDS shall be treated in the same manner as employees who suffer from other serious illnesses.

407.3.3 Discrimination

Employees who refuse to work with or who withhold their services, harass, intimidate or in any other manner discriminate against an HIV-infected employee shall be subject to disciplinary action. **(See ADS 485 & 487)**

407.3.4 HIV/AIDS Information

The Agency shall provide current information from time to time to all employees about AIDS with a view to helping improve employee understanding of HIV/AIDS.

407.3.5 Leave

Leave requested by an HIV infected employee shall be made in the same manner as it would for employees with other medical conditions. **(See ADS 480 - Leave).**

407.3.6 Reasonable Accommodations

Reasonable accommodations for employees with HIV/AIDS, including part-time work schedules, work restructuring, details, or reassignments, shall be made in the same manner as they would for other employees whose medical condition impacts job performance.

407.3.7 Assignments

a. Foreign Service employees with evidence of immune suppression and/or symptoms shall be assigned to the United States and given a Class 5 clearance. FS employees who test positive without evidence of immune suppression will receive a

limited medical clearance, a Class 2 clearance, and may be assigned only to posts with medical personnel and facilities to monitor and provide care for such a medical problem.

b. Only temporary duty assignments within the continental United States of an HIV/AIDS infected employee shall be approved or disapproved by the employee's immediate supervisor.

407.3.8 Confidentiality of Medical Information

The Agency shall treat all medical information obtained from an employee with HIV/AIDS or other medical conditions confidentially.

407.3.9 Benefits

No employee benefits shall be adversely affected by a positive HIV/AIDS test. **(See ADS 476 - Benefits)**

407.3.10 Testing for HIV/AIDS

All Foreign Service (FS) employees must be tested for the AIDS causing virus at the time of being examined by the Office of Medical Services, Department of State.

407.3.11 Positive HIV/AIDS Test

No employee shall be separated because of a positive HIV/AIDS test.

407.3.12 Hiring

The Office of Medical Services shall not recommend hiring an applicant for employment with USAID if that applicant tests positive for HIV/AIDS, just as it will not recommend an applicant for employment in the Foreign Service who has a medical problem or condition that would limit the applicant's worldwide availability.

407.4 MANDATORY REFERENCES

407.4.1 External Mandatory References

a. Rehabilitation Act of 1973, Section 503

b. Rehabilitation Act of 1973, Section 504

c. 5 CFR 339, Medical Qualification Determinations

407.4.2 Internal Mandatory References

a. USAID General Notice, August 15, 1994, HIV/AIDS Education Program [This document is only available on the USAID Intranet]

407.5 ADDITIONAL HELP

407.6 DEFINITIONS

Acquired Immune Deficiency Syndrome (AIDS)
The term given to the illness that results in the body's inability to fight infection. (Chapter 407)

AIDS-Related Complex (ARC)
A condition caused by the AIDS virus (HIV) in which the patient tests positive for AIDS infection and has a specific set of clinical symptoms. (Chapter 407)

Clearance Class 2
A limited clearance for an overseas assignment. (Chapter 407)

Clearance Class 5
Employee is not cleared for overseas assignments. (Chapter 407)

Human Immunodeficiency Virus (HIV)
A virus that can infect people and destroy their immune system, the body's mechanism for fighting infection. HIV causes AIDS (and it is also known as HTLV-III and LAV). (Chapter 407)

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