

HIV/AIDS PROGRAM

- I. This Directive establishes a program for informing  
PURPOSE AMS employees about the human immunodeficiency virus  
(HIV) and acquired immunodeficiency syndrome  
(AIDS), and sets policies for handling HIV/AIDS-  
related issues.
- II. A. A Presidential memorandum dated 9/30/93  
AUTHORITIES directs all heads of Executive Departments and  
Agencies to develop and implement comprehensive  
HIV/AIDS workplace policies and employee education  
and prevention programs.
- B. A memorandum from the Office of the National AIDS  
Policy Coordinator, dated 11/3/93, gives guidance  
in implementing the Presidential memorandum, and  
specifies that each employee should receive at  
least 1 hour per year of follow-up HIV/AIDS  
education and prevention training.
- C. The Office of Legal Counsel, U.S. Department of  
Justice, has determined that persons with AIDS,  
and asymptomatic HIV-infected persons, are  
protected by the Rehabilitation Act of 1973 as  
"individuals with handicaps."
- III. A. Employees with HIV/AIDS must be treated in the  
POLICY same manner as employees with any other serious  
illness, and must be allowed to continue working  
as long as they are able to maintain acceptable  
performance and do not pose a safety or health  
threat to themselves or others in the workplace.
- B. Problems concerning HIV/AIDS, or HIV/AIDS-related  
personnel situations, must be addressed within the  
framework of existing statutes, regulations, case  
law, and Executive Branch memoranda.
- IV. A. Supervisors are responsible for:  
RESPONSI-  
BILITIES 1. Scheduling an HIV/AIDS training session of  
about 2 hours' duration for each new permanent  
full-time Federal employee within 1 year after the  
employee reports for duty. (Whether or not to

schedule training for other new employees is at the discretion of the individual supervisor.)

2. Ensuring that applicants/employees who have or are regarded as having HIV/AIDS; or who are related to, caregivers for, or associated with, someone who has or is regarded as having HIV/AIDS, are not subject to discrimination in hiring, job assignments, performance appraisals, promotions/recognition, eligibility for benefits, termination, and/or any other terms or conditions of employment.

3. Working closely with employees with HIV/AIDS to assist them in adjusting to the work environment, and making reasonable accommodations for employees who require and request it. (AMS Directive 320.3, Disability Employment Program, gives further information on reasonable accommodations.) Such accommodations need to be developed on a case-by-case basis; supervisors should contact the Agency Disability Employment Program Manager, Personnel Division, for assistance in developing options.

B. Employees With HIV/AIDS. It is the employee's responsibility to produce medical documentation on the extent to which a medical condition is affecting ability to work. At the employee's request, the servicing personnel office (see Section XIV. of this Directive) will provide guidance to employees on needed documentation.

C. The Agency HIV/AIDS Coordinator is the AMS liaison with the Departmental AIDS Coordinator, and will ensure that current HIV/AIDS education materials are made available to AMS employees.

V.  
EMPLOYEES'  
ABILITY  
TO WORK

A. Employees with HIV/AIDS are encouraged to continue working as long as they feel able to work and they are able to perform essential job functions.

B. Changes such as modifications to the employee's Government office, job restructuring, detail, reassignment, or flexible scheduling (such as AMS-flex, flexiplace, and/or telecommuting) for employees with HIV/AIDS will be considered in the same manner as they would for other employees whose medical conditions affect their ability to work.

VI. PRIVACY AND CONFIDENTIALITY Anyone who has access to medical records or related information about an employee with HIV/AIDS must strictly observe applicable privacy and confidentiality requirements, primarily the Privacy Act (see AMS Directive 160.2, Privacy Act).

VII. LEAVE Employees who have HIV/AIDS, or who have a family member with HIV/AIDS, may request leave to obtain medical care or recuperate from the effects of their illness, or to assist the family member (as provided for in the Family and Medical Leave Act). The decision on whether to grant leave will be made in the same manner as for employees who have any other medical condition, or who have a family member with any other medical condition.

VIII. INSURANCE Employees with HIV/AIDS can continue their coverage under the Federal Employees Health Benefits Program and the Group Life Insurance Program in the same manner as other employees.

IX. DISABILITY RETIREMENT Employees with HIV/AIDS may be eligible for disability retirement if their medical condition warrants and if they have the years of Federal service needed to qualify. Eligibility requirements vary depending on the employee's retirement system; contact the servicing personnel office (see Section XIV. of this Directive) for specific requirements.

X. EMPLOYEE CONDUCT A. Employees Affected By HIV/AIDS.

1. There may be situations where an employee who has HIV/AIDS, or who has a family member with HIV/AIDS, has performance or conduct problems. These problems should be dealt with through appropriate counseling and remedial measures (see AMS Directive 365.1, Employee Responsibilities and Conduct).

2. In pursuing appropriate action in these situations, supervisors should be sensitive to the possible contribution of anxiety over the illness to work behavior, and aware of the requirements of existing personnel policies, including obligations to reasonably accommodate the employee.

B. Other Employees. If employees express reluctance to work with employees who have HIV/AIDS, these concerns should be addressed with information and counseling (see AMS Directive 365.1).

XI. EMPLOYEES AT RISK      A. Exposure to HIV is a limited risk in the AMS workplace. Employees who might administer first aid in an emergency, are exposed to spilled blood or body fluids, or empty trash cans which may contain used hypodermic needles, have the potential for exposure to HIV in the performance of their duties.

B. Employees who provide first aid should have personal protective gear (gloves, eye protection, and airway masks for cardiopulmonary resuscitation). For information on obtaining such gear, contact the Agency Safety and Health Manager, Science Division.

C. All employees are expected to be safety conscious at all times, to report any injuries or unsafe situations to their supervisors, and to use personal protective equipment provided.

XII. COUNSELING OR REFERRAL      Employees with HIV/AIDS, coworkers, and family members can obtain counseling through the Employee Assistance Program (EAP). Requests for assistance and personal information given to an EAP counselor are confidential.

A. Headquarters employees may telephone 800-222-0364 (TTY 882-262-7848) for an appointment with a counselor.

B. Field employees may request EAP counseling and referral services by calling 800-222-0364 (TTY 882-262-7848). Services will normally include referral to an appropriate community resource for counseling and/or treatment and follow-up.

AMS Directive 348.1, Employee Assistance Program, provides detailed information on the EAP.

XIII. HOTLINE NUMBERS      General information and educational materials on HIV and AIDS can be obtained by calling the Center for Disease Control's National AIDS Hotline:

National AIDS Hotline: 1-800-342-AIDS (2437)  
Spanish: 1-800-344-SIDA (7432)  
TDD: 1-800-243-7889

XIV.                   A.   Questions about leave, insurance, and  
QUESTIONS disability retirement should be addressed to the  
                          servicing personnel office:

1.   For SES and Schedule C employees, contact the  
Employee Relations Branch, Personnel Division,  
AMS;

2.   For all other employees, contact Human  
Resources Operations, Human Resources Division,  
Animal and Plant Health Inspection Service.

B.   Questions about the AMS HIV/AIDS Program should be  
     addressed to the Agency HIV/AIDS Coordinator,  
     Office of the Administrator.

Lon Hatamiya  
Administrator