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**TITLE: POLICY REGARDING EMPLOYEES WITH  
HUMAN IMMUNODEFICIENCY VIRUS (HIV)**

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**AUTHORITY:**  
**Florida Statute 1001.64(18); 1006.68**

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**POLICY:**

The following guidelines are established regarding employees with Human Immunodeficiency Virus (HIV):

1. **DEFINITION:** For purposes of this policy, an employee with HIV falls into one of the following categories:
  - a. An individual who tests positive for HIV antibody but who has no symptom manifestations, or
  - b. An individual who is diagnosed as having Acquired Immune Deficiency Syndrome (AIDS)—displaying one or more opportunistic infections.
2. **EMPLOYEE RIGHTS:** The College recognizes that an employee with HIV has rights to employment which must be balanced against the rights of employees without HIV to work in an environment in which they are protected from contracting the virus.
  - a. Both the Federal Vocational Rehabilitation Act of 1973 and the Florida Educational Equity Act prohibit discrimination against persons with disabilities; and a person who has HIV is classified as disabled.
  - b. The College will ordinarily impose no rules or restrictions on an employee with HIV which would have the effect of unnecessarily limiting participation in educational programs or activities.
  - c. It is the policy of the College that no inquiry will be made of a potential employee as to whether or not that person has HIV.
  - d. The College will not subject a potential employee to serological testing to determine the presence or absence of HIV.
  - e. Any employee who voluntarily informs the College that he/she has HIV will be afforded confidentiality regarding disclosure of the medical condition, in accordance with appropriate statute and/or case law.
  - f. An employee with HIV who does not request special accommodations ordinarily will be treated in the same manner as an employee without HIV with an illness, injury, or disability.
  - g. An employee with HIV will be allowed to use accrued sick leave or annual leave as needed and upon approved request to use same.

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- h. Under most circumstances, an employee with HIV will be able to remain employed so long as that person is able to meet customary job performance standards without hazard or harm to self or to others.
  - (1) As may be deemed necessary by the College, an employee may be required to submit to competent medical examination by a College-designated physician to determine if the employee is indeed able to perform his/her duties without hazard or harm to himself/herself or to the College community.
  - (2) All recommendations regarding disposition of such matters will be made by the District Vice President for Administrative Services to the District President, who has final authority.
- i. Where feasible and practical, and when requested by the employee, reassignment or job restructuring may be done to permit continued employment.
  - (1) The latest issue of such guidelines will always be maintained in the Learning Resources Center.
  - (2) The District Director of Human Resources shall provide information upon request to employees with HIV regarding available services within the community.
- 3. Any employee with HIV who feels that he/she has been discriminated against should notify the District Director of Human Resources.