

**SCAN, INC. POLICIES AND PROCEDURES ATTACHMENT B
SERVING CHILDREN AND ADOLESCENTS IN NEED (SCAN), INC.
WORKPLACE AND EDUCATION GUIDELINES FOR PREVENTION OF HIV AND OTHER COMMUNICABLE DISEASES**

POLICY

It is the intent of SCAN, Inc. to comply fully with the applicable provisions of the Americans with Disability Act, the Texas Labor Code, Chapter 21, the Texas Health and Safety Code, Chapter 85, the Centers for Disease Control and Prevention (CDC) the Office of Safety and Health Administration, DSHS for Substance Abuse Services Rules for Contract and Licensed Providers and the Texas Department of Health regarding duties of state agencies and state contractors with respect to HIV/AIDS and other communicable diseases.

SCAN, Inc. recognizes the need for increased awareness³⁴and understanding of HIV/AIDS and infection control of communicable diseases in order to address employee concerns in the workplace. SCAN, Inc. also recognizes its obligations and commitment to provide and maintain a safe and healthy environment for all employees and clients.

DISCRIMINATION

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against people with disabilities including HIV and AIDS in employment, public accommodation, public transportation and other situations.

SCAN, Inc. complies with the ADA protections of all people with disabilities against discrimination in job application procedures, hiring, promotions, discharge, compensation, job training, and other terms or conditions of employment.

The use of a person's HIV status to decide employment, service delivery, or to deny services to HIV infected individuals is not acceptable. Employees who believe that they have been discriminated against because of HIV or AIDS should contact the Chief Executive Officer of SCAN, Inc. or Equal Employment Opportunity Compliance Officer to discuss the matter, or initiate action through the agency's grievance procedure. Other legal options may also be available.

DESIRE AND ABILITY T WORK

Pursuant to the ADA, procedures may be adapted to provide reasonable accommodation so that people with disabilities may remain employed and productive for as long as possible. However, all employees are expected to perform the essential functions of their job.

Employers do not have an obligation to provide any accommodations that impose undue hardship. Specific questions about reasonable accommodation and undue hardships should be directed to the Chief Executive Officer of SCAN, Inc.

❖ **PERFORMANCE STANDARDS**

While the ADA does protect disabled employees from employment discrimination, all employees, those with and without disabilities have the same performance and conduct standards regarding hiring, promotion, transfer, and dismissal.

❖ **REASONABLE ACCOMMODATION**

Requests for reasonable accommodation are decided on a case-by-case basis by the requesting employee's supervisor in connection with the designated Deputy Director, with final approval from the CEO. The employee's supervisor and the designated Deputy Director will consider the unique circumstances of the employee's situation. However, all reasonable accommodations must:

1. be job related;
2. be effective enough to overcome the employee's physical or mental impairment;
3. enable the individual to perform the essential functions of the job, and
4. not impose an undue hardship on the organization's operations.

The following options may be considered for people with HIV/AIDS:

1. possible assignment or reassignment of job duties;
2. leave of absence, and
3. flexible work schedule.

CONFIDENTIALITY AND PRIVACY

Employees are not required to reveal their HIV status to their employer. All medical information provided by an HIV infected employee to medical management personnel is confidential and private. SCAN, Inc. will protect the confidentiality of medical records and information. However, as with other illnesses, once HIV-related symptoms occur which require job accommodations; it is the employee's responsibility to provide medically verifies information relating to an employee's ability to be available for or to perform job duties.

Written consent of the employee must be obtained to disclose any confidential information with other staff. Individuals who fail to protect these employee rights commit a serious offense, which may result in dismissal and may be cause for litigation resulting in both civil and criminal penalties.

CO-WORKER CONCERNS

Employees are to be sensitive to the needs of co-workers who have HIV/AIDS. Co-workers are asked to recognize that continued employment for an employee who is ill is often beneficial. Through counseling and education, SCAN, Inc. will attempt to alleviate concerns of employees who feel uncomfortable working with a colleague with HIV/AIDS. Employees do not have the right to refuse to work with someone who has any disability.

EMPLOYEE EDUCATION

Scan, Inc. will conduct mandatory education for all new hires and may conduct continuing education as determined by the CEO and in accordance with the model educational guidelines promulgated by the Texas Department of Health and the Texas Commission on Alcohol and Drug Abuse. Education will contain the following:

- ❖ modes of transmission with regards to HIV, TB, hepatitis and other sexually transmitted diseases;
- ❖ methods of prevention;
- ❖ high risk behaviors;
- ❖ use of standard precautions to prevent transmission of communicable diseases in the workplace; and ,
- ❖ laws concerning the rights of an AIDS/HIV infected individual.

Education may contain any other relevant scientifically accurate information, methodology, training, or activities which the Texas Commission on Alcohol and Drug Abuse and SCAN, Inc. deems appropriate or necessary.

ASSISTANCE

An employee who wants assistance concerning a disability or a life-THREATENING illness should contact the CEO of SCAN, Inc. SCAN, Inc. offers the following resources to help employees and managers deal with these issues:

- ❖ education and information concerning HIV/AIDS;
 - ❖ confidential referral to supportive services for employees and dependents affected by life-threatening illnesses; and
- benefits consultation to help employees effectively manage health, leave, and other benefits.