

SECTION 6.2
INFECTIOUS DISEASES IN THE WORKPLACE

A. Policy

Jefferson County recognizes that the occupational functions of specific employees in the Emergency Management Services, Airport Maintenance (firefighters), Sheriff, Constables, Detention Officers, Residential Supervisors, Crime Lab, Employee Health and Indigent Health departments may expose them to handling persons with infectious reportable diseases, including Hepatitis B, Tuberculosis and HIV infection. As such, the above-referenced employees must comply with the guidelines stated herein in accordance with state mandated guidelines.

Jefferson County recognizes Acquired Immune Deficiency Syndrome (AIDS) as a medical handicap or disability in accordance with Section 504 of the Rehabilitation Act of 1973. As such, the County prohibits any employment practices that discriminate against any employee/applicant because of age, handicap, sex, race, religion, national origin, or veteran status.

B. Purpose

To provide specific guidelines for employees in the Emergency Management Services, Airport Maintenance (firefighters), Sheriff, Constables, Detention Officers, Residential Supervisors, Crime Lab, Employee Health, and Indigent Health departments to follow in the execution of their job functions as they relate to exposure to infectious reportable diseases, including AIDS or AIDS-related conditions.

To assist departments in fairly and effectively handling infectious reportable diseases, including AIDS or AIDS-related personnel situations in the work place.

C. Definitions

AIDS - Acquired Immune Deficiency Syndrome - an acquired illness of the immune system that reduces the body's ability to fight special types of infection and cancers.

HIV - Human Immunodeficiency Virus - the causative agent of AIDS (Acquired Immune Deficiency Syndrome).

D. Rules/Procedures

1. No employee/applicant shall be denied employment solely because of an infectious reportable disease, including AIDS or an AIDS-related condition. Under no circumstances shall an employee or applicant be required as a condition of employment to undergo any tests to detect the presence of the HIV antibody, antigen or virus.

2. An employee with an infectious reportable disease, including AIDS or an AIDS-related condition, shall be entitled to the same benefits (use of leave, medical coverage, life insurance) and subject to the same rules and regulations as other employees of the County with life-threatening conditions.
3. An employee with an infectious reportable disease, including AIDS or an AIDS-related condition, may continue to work as long as he/she is physically able to do so and maintain acceptable performance.
4. If an employee develops work limitations, an attempt will be made to make reasonable accommodation to facilitate the ability of the employee to the extent that he/she is able to maintain acceptable performance with the accommodation.
5. Confidentiality and privacy are assured to employees with an infectious reportable disease or who report exposure to infectious reportable disease, including AIDS or an AIDS-related condition, in the same manner as it is assured to employees with other medical problems by the Health & Insurance Portability Accountability Act (HIPAA). Personnel having access to medical records or having knowledge of an employee's medical condition have a duty to preserve the privacy and confidentiality of the information. To that end, it is imperative that such information not be shared without the express and prior written consent of the employee having an infectious reportable disease or having had exposure, including AIDS or an AIDS-related condition. Any employee who violates confidentiality will be subject to immediate disciplinary action up to and including termination.
6. An employee with an infectious reportable disease, including AIDS or an AIDS-related condition, must be treated as any other employee with a life-threatening illness.
7. Current research shows that there is no medical basis for any employee to refuse to work with an employee having or perceived to have an infectious disease, including AIDS or an AIDS-related condition, as it is not transmitted to another through everyday workplace contact. The refusal by any employee to work with an employee having or perceived to have an infectious reportable disease, including AIDS or an AIDS-related condition, can be considered insubordination, subject to disciplinary action in consideration of the specific facts and circumstances of the refusal.
8. Any employee who has an infectious reportable disease, including AIDS or an AIDS-related condition, and wishes to obtain confidential counseling or assistance and/or referral to appropriate community support and education resources, may contact the Employee Assistance Program (EAP) Administrator or Jefferson County's Health Department.
9. Educational programs and materials about infectious reportable diseases, including AIDS and AIDS in the workplace, will be provided for County employees and coordinated by the Employee Health Department & Insurance and Risk Management Department.

10. Any employee who believes he/she has been discriminated against because of an infectious reportable disease, including AIDS or an AIDS-related condition, shall contact the Insurance and Risk Management Director or follow the guidelines as stated in the Americans With Disabilities Grievance Procedures Policy.
11. Training will be provided to the Emergency Management Services, Airport Maintenance (firefighters), Sheriff, Constables, Detention Officers, Residential Supervisors, Crime Lab, Employee Health and County Health Department personnel including general information about myths/fears; the County's policy and reporting procedures; use of kits; universal precautions; and cleaning kits. Continual updates on handling techniques will be provided.

E. Reporting Exposure to Infectious Reportable Diseases, Including HIV Infection

1. A person whose occupation is included in one of the following categories may request the County Health Department to order the testing of another person who may have exposed certain other persons to infectious reportable diseases, including HIV infection:
 - Deputy Sheriff, Corrections Officer, Detention Officer, Residential Supervisor, or Constable;
 - Airport Maintenance Worker (Firefighter);
 - Crime Lab ;
 - Emergency Management Services;
 - A County Health and Employee Health Department employee.
2. Within 72 hours of the incident, a person claiming occupational exposure to an infectious reportable disease, including HIV infection, must submit to the local health authority, Jefferson County Health Department, a sworn affidavit (**Attachment A**) delineating the reasons for the request. However, a request may be made only if the person:
 - Has experienced the exposure in the course of the person's employment;
 - Believes that the exposure placed the person at risk of an infectious reportable disease, including HIV infection; and;
 - Presents to the health authority a sworn affidavit that delineates the reasons for the request.
3. To qualify for workers' compensation or any other similar benefits, an employee claiming occupational exposure to an infectious reportable disease, including HIV infection, must:
 - Provide the entity a sworn affidavit of the date and circumstances of the exposure within 72 hours of the incident; and;
 - Document that within 10 days after the exposure the employee had a test result that indicated an absence of the infectious reportable disease, including HIV infection.

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4. All questions and reporting of occupational exposure to an infectious reportable disease, including HIV infection, shall be directed to the County Health Authority or his/her designee.
5. Copies of the affidavit will be made available in each department/division. The affidavit must be completed, notarized and submitted to the County Health Department immediately after exposure to an infectious reportable disease, including HIV infection. All files will be maintained separately and confidentially by the Health Authority or his/her designee.
6. Employee referenced in Section 6.2, A is required to complete the Disclosure of Occupational Exposure to a Reportable Disease (Attachment B) form and return it to the Insurance and Risk Management Department.
7. For additional specifics on mandatory testing of persons suspected of exposing certain other persons to infectious reportable diseases, including HIV infection, contact the County Health Department.

**ATTACHMENT A
JEFFERSON COUNTY OCCUPATIONAL EXPOSURE TO
AN INFECTIOUS REPORTABLE DISEASE AFFIDAVIT**

I, _____, do solemnly swear that on _____
Printed Name Date and Time
was possibly exposed to an infectious reportable disease, including HIV infection. The following circumstances occurred:

Signature Date

To qualify for worker's compensation or any other similar benefits for compensation, an employee claiming occupational exposure to an infectious reportable disease, including HIV infection, must:

_____ Provide the entity a sworn affidavit of the date and circumstances of the exposure within 72 hours of the incident; and

_____ Document that within 10 days after the exposure the employee had a test result that indicated an absence of the infectious reportable disease, including HIV infection.

**STATE OF TEXAS
COUNTY OF JEFFERSON**

BEFORE ME on this day appeared _____ known to me to be the person who signed the foregoing affidavit, who on oath deposes and says that the statements made are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____.

Signature of Person Administering Oath

Title of Authorized Official

Upon completion, form must be submitted immediately to the County Health Department.

ATTACHMENT B
JEFFERSON COUNTY DISCLOSURE
OCCUPATIONAL EXPOSURE TO A REPORTABLE DISEASE

The information provided in this disclosure is given so that you will be informed of your rights regarding occupational exposure to an infectious reportable disease, including HIV infection.

To qualify for worker's compensation or any other similar benefits for compensation, an employee claiming occupational exposure to an infectious reportable disease, including HIV infection, must:

_____ Provide the entity a sworn affidavit of the date and circumstances of the exposure within 72 hours of the incident; and

_____ Document that within 10 days after the exposure the employee had a test result that indicated an absence of the infectious reportable disease, including HIV infection.

I certify that I have read this disclosure and have received a copy.

Employee's Printed Name

Employee's Signature

Date

*Texas Legislature
Senate Bill 959

Return completed form to the Insurance and Risk Management Department.