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| MENDOCINO COUNTY POLICY #21 | AIDS AND INFECTIOUS DISEASE POLICIES FOR THE WORKPLACE |
| ADOPTED: April 24, 1990 | ADOPTED BY: Minute Order |

A. AIDS/HIV INFECTION:

The following safety procedures shall be applied to all County departments:

1. All persons, including coworkers and members of the public, shall be considered as possible HIV carriers.
2. Exposure to HIV may occur by direct contact with the blood or other body fluids of an infected person. To avoid direct contact with these substances, employees shall have access to latex gloves for protection. Gloves shall be stored with first aid equipment and shall be worn in the following situations:
 - a. When touching blood, fluids, or non-intact skin.
 - b. When handling items/surfaces soiled with blood or body fluids.
3. Gloves shall be disposed of after use and employees shall wash their hands immediately after removing gloves.
4. If hands or other skin surfaces become contaminated with blood or body fluids, the employee should wash his/her hands and other skin surfaces immediately and thoroughly.
5. Spills of blood or body fluids shall be cleaned up promptly. Visible material should first be removed by an employee wearing gloves. The contaminated area should be saturated with a bleach solution diluted 1:10 mixed with water and let set for 1-2 minutes before being mopped up.
6. Materials contaminated with blood or body fluids, such as gloves and paper towels used to mop up spills, shall be placed in a plastic bag and the bag shall be tightly sealed before placing in trash.

In addition to the above safety procedures, each department shall review the particular work environment it's employees operate in to determine if additional procedures are warranted. Some departments, such as those providing health services and emergency services, may require additional procedures based on the more frequent exposure to blood and body fluids inherent in their operations.

EDUCATION: AIDS information and education programs are necessary to effectively manage an AIDS issue which may present itself in the workplace. Each department shall provide employees with information about AIDS, including (1) a medical overview of AIDS; (2) policy guidelines and employee rights and responsibilities; (3) workplace safety; and (4) resources for information and assistance. Items (2) and (3) are contained in this policy. Departments can obtain literature regarding items (1) and (4) from the Public Health Department. In addition, departments can arrange for educational seminars to be presented by the County Public Health Department to employees.

PERSONNEL MANAGEMENT: When AIDS becomes a matter of concern in the workplace, a variety of personnel issues may arise. Following is a brief discussion of AIDS related issues which could arise in various personnel management areas, along with some basic guidance on how to approach and resolve such issues. Departments are cautioned that, as with any complex personnel management matter, the resolution of a specific problem must be based on a thorough assessment of that problem and how it is affected by contemporary information and guidance about AIDS, current law and regulation bearing on the involved issue, and the County's own policies and needs.

1. NON-DISCRIMINATION: It is the policy of the County of Mendocino that persons with AIDS shall not be discriminated against in either employment with the County or in the provisions of services from the County.
2. EMPLOYEE ASSISTANCE PROGRAM: The Employee Assistance Program (EAP) operated by the County Department of Public Health is a source of information and counseling for employees who have personal concerns about AIDS. The EAP can provide referrals to testing, treatment, and other resources. The EAP can also provide counseling to employees who have apprehensions regarding the communicability of the disease or other related concerns.
3. EMPLOYEES WITH AIDS: Employees with AIDS shall 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.

If performance, safety or health issues do arise, employees with AIDS will be treated in the same manner as employees who suffer from other serious illness or handicap. In this regard, employees with AIDS may require time away from work to pursue medical care or to recuperate from the ill effects of their medical condition. Requests for sick leave, vacation or leave without pay will be processed in the same manner as they would for other employees with medical conditions. Departments should consider reasonable accommodations for the employee when performance, safety or health issues arise.

Reasonable accommodations may include job restructuring, reassignment, flexible scheduling, or any other modification which would allow the employee to continue working.

At some point, a concern may arise whether an employee with AIDS can continue to perform his or her job effectively and safely. It is primarily the employee's responsibility to produce medical documentation regarding the extent to which a medical condition is affecting availability for duty or job performance. However, the department is responsible for insuring that the performance of an employee does not constitute a danger to the employee, coworkers or the public. As such, the department may require that an employee undergo a medical examination to determine the employee's continuing fitness for duty. Accurate and timely medical information will allow the department to consider alternatives to keeping the employee in his or her position if there are serious questions about safe and reliable performance. Requiring an employee with AIDS to undergo medical examination shall be determined in the same manner as it would for any other employee whose fitness for duty due to physical or mental conditions was at issue.

4. CONFIDENTIALITY: Departments should be aware that any medical documentation submitted for the purposes of an employment decision and made part of the file pertaining to that decision becomes a "record" covered by the Privacy Act. The Privacy Act generally forbids the disclosure of a record without the consent of the subject of the record. Employees who have access to such information shall maintain the confidentiality of that information.

Although employees with AIDS are encouraged to advise management of their condition in order to facilitate reasonable accommodation, self-disclosure is voluntary. Management and supervisory personnel who have been informed by an employee with AIDS of his or her condition shall treat the information as confidential and shall discuss it with other supervisory or management personnel only to the extent that such personnel have a need to know in order to effectively perform their duties.

5. EMPLOYEE BENEFITS: The County of Mendocino administers benefits for employees with AIDS in the same way as for employees with other medical conditions. Employees with AIDS can continue their participation in the Group Health Plan and Life Insurance Plan in the same manner as other employees.

The Health Plan provides coverage for the medically necessary health care services of covered employees. Similarly, the life insurance benefit is not cancelable solely because of the employee's current health status. However, any employee who is on leave without pay status must pay the total biweekly contribution in order to maintain health and life coverage during the leave of absence. In addition, employees with AIDS may be eligible for disability retirement if their medical condition warrants and if they have the requisite years of service to qualify.

6. EMPLOYEE CONDUCT: There may be situations where employees express reluctance or threaten refusal to work with employees with AIDS or clients/public with AIDS. Such reluctance is often based on misinformation or lack of information about the transmission of AIDS. If the concern is with a client or member of the public, the department should assign another employee to deal with the affected person for the present situation.

The department should counsel the reluctant employee and refer him or her to the Employee Assistance Program if further counseling is necessary. The department shall also counsel an employee who is reluctant to work with a fellow employee with AIDS and refer the employee to the EAP for further counseling if needed. However, in situations where such measures do not solve the problem and where management determines that an employee's continuing refusal to work with another employee or a member of the public is impeding the department's work, corrective or disciplinary action might be appropriate. Such action might also be appropriate where employees are harassing an employee with AIDS.

Likewise, if management is faced with performance or conduct problems from an employee with AIDS, the employee should be counseled and referred to the EAP if necessary. If problems continue, corrective or disciplinary action may be appropriate.

B. INFECTIOUS DISEASE:

The following covers all infectious diseases with the exception of AIDS, ARC, and HIV infection.

1. **WORKPLACE SAFETY:** There are a multitude of infectious diseases which could present a threat to employees when encountered in the workplace. Due to the wide variety of diseases which could be encountered, there is no single safety measure which could be applied appropriately in all cases.

When the department becomes aware that an employee or a member of the public has an infectious disease, or if there are questions as to whether or not a disease is infectious, the County Public Health Department should be contacted for consultation. The precautions advised by the County Public Health Department should be implemented and the number of employees to make contact with the infectious person should be kept to a minimum. To the extent possible, the infectious person should be isolated from other members of the public who may be seeking services from the department.

2. **PERSONNEL MANAGEMENT:** Employees who have an infectious disease shall be allowed to continue working as long as they have been cleared by competent medical authority to do so and they can not transmit the disease to fellow employees or the public while performing their duties. It is primarily the employee's responsibility to produce medical documentation regarding their fitness for duty. However, the department may require that an employee undergo a medical examination to determine the employee's continuing fitness for duty if the employee fails to provide the department with adequate medical documentation. If performance, safety or health issues arise, departments should address them by applying existing personnel policies and practices. There may be situations where an employee expresses reluctance or threatens to refuse to work with persons who have an infectious disease. If the concern is with a client or a member of the public, the department should inform the employee of the information obtained from the County Public Health Department and what precautions the employee should take when dealing with the person. After discussing the issue with the employee, if he or she still refuses to work with the person, the department should assign another employee to deal with the person.

The department may want to solicit a volunteer for this assignment or assign management personnel to the task. If the infectious person needs continuing services from the department and the services would normally be administered by the employee who refused to deal with the person, the department should determine whether or not it can continue to deal with the person with substitute personnel. If not, and the employee continues to refuse to deal with the person after the department has taken all necessary precautions to protect the employee, then the department should consider appropriate corrective or disciplinary action against the employee.

An employee might also refuse to work with a fellow employee who has an infectious disease. In these cases, the department should advise the employee of the steps taken by the department to insure that other employees would not be effected. If further counseling is necessary, the department may refer the employee to the Employee Assistance Program or suggest they contact their own physician regarding their concerns. However, if the employee continues to refuse to work with the person and that refusal is impeding or disrupting the department's work, it should consider appropriate corrective or disciplinary

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action against the employee.