


COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
EXECUTIVE ORDER

Subject: Workplace Policy for HIV/AIDS		Number: 2003-4
Date: May 5, 2003	By Direction of:  Edward G. Rendell, Governor	

- WHEREAS, the number of Pennsylvanians directly and indirectly affected by HIV infection and AIDS continues to grow, touching every segment of the population and all geographic areas of the state; and Pennsylvania is devoting significant resources and energies in the fight against HIV and AIDS; and
- WHEREAS, the Human Immunodeficiency Virus (HIV) that causes AIDS is transmissible from person to person only in limited ways and is not transmissible through casual contact; and
- WHEREAS, currently there is no known cure for HIV/AIDS, available treatments have a positive effect on the course of the disease, and the scientific community has found that HIV/AIDS is a manageable, long-term, chronic fatal disease; and
- WHEREAS, personal behavior changes and continuous public education, as well as the use of safe practices known as "universal precautions" or "standard precautions" during potential contact with blood and body fluids, are the best means currently available to prevent transmission of HIV; and
- WHEREAS, other diseases related to HIV/AIDS, such as tuberculosis, are a significant workplace concern; and
- WHEREAS, state employees must be prepared to work effectively with members of the public, clients, and coworkers with HIV or AIDS or who may be potentially infected or perceived to be infected with HIV or AIDS.

NOW, THEREFORE, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order and direct as follows:

1. Overall HIV/AIDS and related disease workplace policy.

- a.** This administration's policy is to provide a nondiscriminatory environment that positively addresses the needs of persons with HIV/AIDS, takes steps to reduce the spread of HIV, and ensures a safe working environment for staff who work with persons with HIV/AIDS.

b. Persons with HIV or AIDS are to be treated with respect and dignity and not to be denied any government service due to them. State agencies, consistent with the services they provide, are to take steps to address HIV/AIDS within the workplace or work environment, including educating employees about the disease and working with clients on behavior changes that reduce the chance of transmission of HIV and related diseases. State employees and persons served by the Commonwealth are not to be discriminated against on the basis of their actual or perceived HIV or AIDS status. This prohibition is reaffirmed by the *Americans With Disabilities Act* and the *Pennsylvania Human Relations Act*. The confidentiality of persons with HIV/AIDS will be protected by state agencies.

c. Commonwealth agencies will take steps to minimize the chance of on-the-job exposure to HIV through procedures known as universal or standard precautions. These steps also will reduce the chance of transmission of other diseases which are spread through blood or body fluids, such as Hepatitis B and Hepatitis C.

2. Detailed provisions of HIV/AIDS and related diseases workplace policy.

a. Individuals or state employees with HIV infection or AIDS, or perceived to have these conditions, shall not be discriminated against with regard to state services and with regard to appointment, transfer, promotion, or any other employment action. The *Americans With Disabilities Act* and the *Pennsylvania Human Relations Act* prohibit this discrimination, as does *Section 504 of the Rehabilitation Act of 1973, P. L. No. 93-112*, the *Civil Rights Restoration Act of 1987, P. L. No. 100-259*, and court decisions.

b. No current or prospective state employee shall be required to receive an HIV or AIDS antibody test, or any other diagnostic test associated with HIV/AIDS, or reveal the results thereof as a condition of employment unless federal or state law or regulations require this disclosure.

c. State employees with HIV infection or AIDS may continue in their current jobs and work assignments as long as their health permits. In the event an employee with HIV/AIDS is unable to carry out his or her essential job functions because of the illness, the employee will be afforded the same considerations as any other employee whose disability prevents the performance of essential job functions. Requests for reasonable accommodations should be honored to the extent practicable, consistent with the *Americans With Disabilities Act* and the Commonwealth's *Personnel Rules*. State employees with HIV or AIDS who request a transfer or reassignment due to their medical condition should have these requests considered, consistent with agency needs.

d. Managers, supervisors, and employees should be given the name of a contact person within their agency who will operate as the agency HIV/AIDS coordinator providing information and assistance on HIV/AIDS-related issues and questions.

e. Agencies will provide ongoing education and information to employees about HIV/AIDS and related diseases. Effective education should be directed at improving services to the public and reducing chances of transmission of disease in Commonwealth work settings. Of particular concern is education for those state employees who provide health care and counseling to clients at risk for HIV, those in law enforcement and criminal justice, and those who make or advise on policy decisions concerning HIV/AIDS and related diseases.

f. Federal guidelines for protection against exposure to blood and body fluids shall be adopted by Commonwealth agencies. These guidelines are issued by the United States Public Health Service, Centers for Disease Control and Protection (CDC). Agencies are to take steps to ensure that staff who have the potential to be exposed to blood or body fluids implicated in the transmission of HIV follow specific federal guidelines.

g. State employees in need of more information on HIV/AIDS should contact their agency HIV/AIDS coordinator or human resource office. Additional information can be obtained from the Department of Health HIV/AIDS Factline, state and other public health centers, and local HIV/AIDS support groups. State employees wanting an HIV or AIDS antibody test should be referred to the Department of Health's testing centers.

h. If an HIV or AIDS antibody test is desired by an employee due to a documented incident in the workplace, the test can be conducted during paid work hours and should there be a charge, costs will be reimbursed by the Commonwealth.

i. HIV and AIDS-related information concerning state employees, dependents, and clients is to be handled with strict confidentiality by agencies. Employee records that include HIV/AIDS-related information are not to be filed in the Official Personnel Folder. Supervisory and management staff shall assure confidentiality when handling HIV/AIDS-related information, whether regarding employees or in the course of providing agency services. Agencies are to follow the provisions of the *Confidentiality of HIV-Related Information Act, Act 148 of 1990* and should also follow any applicable regulations related to protected health information.

3. Responsibilities.

a. The **Secretary of Administration** is responsible for updating and providing detail on the overall HIV/AIDS workplace policy for the Commonwealth and for coordinating education efforts for employees and contractors of state agencies on HIV/AIDS and related diseases.

b. The **Secretary of Health** is responsible for establishing overall public health policy for Pennsylvania regarding HIV/AIDS and related diseases and for informing Commonwealth agencies of federal and state public health requirements and guidelines for preventing transmission of HIV and related diseases in the workplace.

4. Agency HIV/AIDS policies. State agencies that develop agency-specific workplace policies on HIV/AIDS or related diseases, either centrally or for field facilities, should ensure that their policies are consistent with Commonwealth policy. These policies are to be approved, in writing, by the Secretary of Administration and Secretary of Health before issuance.

5. Effective Date. This order shall take effect immediately.

6. Rescission. *Executive Order 1996-12, Workplace Policy for HIV/AIDS*, is rescinded.