

CALIFORNIA STATE PERSONNEL BOARD

Date of Issue: September 23, 1988

MEMO TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: Acquired Immune Deficiency Syndrome (AIDS) and
Employment Issues.

With increasing frequency, departments have been requesting information on employment issues involving persons with AIDS. We circulated a memorandum on this subject on April 8, 1987, and will provide additional information on employment related issues within the Personnel Board's scope of authority as the need arises in the future.

In responding to this need for information, it is important to emphasize that the State is obligated to provide a workplace free of discriminatory practices. Under State and Federal law, antidiscrimination protection extends to any individual who has a disability. Persons with AIDS are legally deemed to be disabled; therefore, they are protected from discrimination by these laws.

One employment issue frequently raised relates to providing reasonable accommodation to an applicant or employee who has contracted AIDS. State departments are obligated to provide reasonable accommodation to job applicants and employees with disabilities. Reasonable accommodations are available to persons with AIDS just as they are to any disabled employee or applicant for employment. Such accommodations include, but are not limited to: altering the work environment; providing special equipment; adjusting work schedules, including reducing working hours; authorizing leaves of absence; providing frequent rest breaks; restructuring some of the duties of the position; and considering alternative assignments such as transfer, demotion, or a training and development assignment. However, it is likely that most employees with AIDS will not need any special accommodation to continue performing their job duties.

Another employment related issue involves the concern some co-workers have expressed about working with an employee who has AIDS. According to the U.S. Department of Health and Human Services and the California Department of Health Services*, AIDS cannot be contracted through casual contact. For

* Understanding AIDS and What You Should Know About AIDS, published by the U.S. Department of Health and Human Services, and AIDS: Facts for Californians, published by the California Department of Health Services.

example, one cannot get AIDS from shaking hands, sharing equipment at work or touching another person's clothing or from a toilet seat. Working with persons who have AIDS does not increase the risk of getting AIDS.

There are, however, other diseases which can be communicable through casual contact. Managing situations involving communicable disease is part of each State agency's responsibility to provide a safe and healthful workplace for its employees. In handling these situations, agencies should ensure that the process they use is compassionate and helpful to the ailing employee and protective of co-workers as well. If the presence of contagious illness in the workplace is suspected, the affected employee, regardless of whether he/she has AIDS, should be required to consult a physician to determine whether the disease is indeed contagious and requires isolation, and, if so, when the employee may be released to return to work.

Under Government Code Section 19253.5, State agencies are authorized to require and pay for the medical evaluation of employees for the purpose of determining their capacity to perform the work of their positions. Thus, if an employee is reluctant to seek appropriate medical evaluation, or if the agency questions the employee's readiness to resume working, the State agency, at its own expense, may require the employee to be examined by the physician it designates. To assist the physician in assessing the employee's condition, a statement of the duties the employee is expected to perform should be provided.

If more information is needed about any problem or concern related to AIDS and State employment, please contact your Personnel Officer or Affirmative Action Officer. Additional information on how AIDS is transmitted, how it can be prevented, and on testing for the AIDS virus is available by calling the following telephone numbers:

Southern California 1-800-922-AIDS
Hearing Impaired 1-800-553-AIDS
Northern California 1-800-FOR-AIDS
TDD 1-415-864-6606
In Los Angeles 876-2437
In San Francisco 863-AIDS

Questions on communicable disease may be referred to:

County Health Department in the county of employment
State Medical Officer, Stephen G. Weyers, at (916) 445-7007
or ATSS 8-485-7007, TDD (916) 323-7490

/s/
GLORIA HARMON
Executive Officer