

**CITY OF BEAUMONT
POLICIES AND PROCEDURES MANUAL**

Policy Number: 3.9

Subject: Infectious Diseases in the
Workplace

Effective Date: April 1, 1999

Approved by: Kyle Hayes | 05/01/2021
City Manager | Date

Chris Catalina | 05/01/2021
Personnel Director | Date

I. PURPOSE

- A. To provide specific guidelines for employees in the Fire, Emergency Medical Services, Police, and 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.
- B. To assist departments in fairly and effectively handling infectious reportable diseases, including AIDS or AIDS related situations in the work place.

II. DEFINITIONS

- A. AIDS - Acquired Immune Deficiency Syndrome - an acquired illness of the immune system which reduces the body's ability to fight special types of infection and cancers.
- B. HIV - Human Immunodeficiency Virus - the causative agent of AIDS (Acquired Immune Deficiency Syndrome).

III. RULES/PROCEDURES

- A. 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.
- B. An employee with an infectious reportable disease, including AIDS or an AIDS related condition, shall be entitled to the same benefits/employment conditions (use of leave, medical coverage, life insurance) and subject to the same rules and regulations as other employees with life threatening conditions.

- C. 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.
- D. Current research shows that there is no medical basis for any employee to refuse to work with an employee who has an infectious reportable disease, including AIDS or an AIDS related condition, as it is not transmitted to another through everyday work place 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 including termination in consideration of the specific facts and circumstances of the refusal.
- E. 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 the City's Health Department.
- F. Educational programs and materials about infectious reportable diseases, including AIDS and AIDS in the work place, will be provided by the Personnel Department.
- G. All employees will be required to attend "Infectious Disease and AIDS Awareness" training which will be sponsored by the Personnel Department.
- H. 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 Personnel Director or follow the guidelines as stated in the Discrimination Complaint Policy 3.4.
- I. Confidentiality is assured employees who report exposure to infectious reportable diseases, including HIV infection in the same manner as it is assured to employees with other medical problems. Employees 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 is not shared without the express and prior written consent of the employee having such an exposure.
- J. Training will be provided to the Fire, EMS, Police, and Health department personnel which will include general information about myths/fears; the City's policy and reporting procedures; use of kits; universal precautions; and cleaning kits. Continual updates on handling techniques will be provided ongoing.

IV. REPORTING OF EXPOSURE TO INFECTIOUS REPORTABLE DISEASES, INCLUDING HIV INFECTION

- A. A person whose occupation is included in one of the following categories may request the City's health authority to order the testing of another person who may have exposed certain other persons to infectious reportable diseases, including HIV infection:
1. a law enforcement officer, or
 2. a firefighter, or
 3. an emergency medical service employee or paramedic or medic, or
 4. a local health department employee.
- B. Within seventy-two (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, City Health Department, a sworn affidavit (Attachment A) delineating the reasons for the request. However, a request may be made only if the person:
1. has experienced the exposure in the course of the person's employment;
 2. believes that the exposure placed the person at risk of an infectious reportable disease, including HIV infection; and
 3. presents to the health authority a sworn affidavit that delineates the reasons for the request.
- C. To qualify for workers' compensation or any other similar benefits for compensation, an employee claiming occupational exposure to an infectious reportable disease, including HIV infection, must:
1. provide the entity a sworn affidavit of the date and circumstances of the exposure within seventy-two (72) hours of the incident; and
 2. document that within ten (10) days after the exposure the employee had a test result that indicated an absence of the infectious reportable disease, including HIV infection.
- D. All questions and reporting of occupational exposure to an infectious reportable disease, including HIV infection, shall be directed to the Health authority or his/her designee.
- E. Copies of the affidavit will be made available in each department/division. The affidavit must be completed, notarized and submitted to the 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.

- F. Each employee referenced in Section IV-A is required to complete the Disclosure of Occupational Exposure to a Reportable Disease (Attachment B) form and return it to the Personnel Department.
- G. For additional specifics on mandatory testing of persons suspected of exposing certain other persons to infectious reportable diseases, including HIV infection, contact the Health Department.

**OCCUPATIONAL EXPOSURE TO AN
INFECTIOUS REPORTABLE DISEASE AFFIDAVIT**

I, _____, do solemnly swear that on _____.
Printed Name Date and Time

in the course of my employment, I was possibly exposed to an infectious reportable disease, including HIV infection. The following circumstances occurred:

EMPLOYEE'S
SIGNATURE: _____ DATE: _____

To qualify for workers' 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 seventy-two (72) hours of the incident; and
- document that within ten (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 personally 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

COMPLETED FORM MUST BE SUBMITTED IMMEDIATELY TO THE HEALTH DEPARTMENT

ATTACHMENT B

**DISCLOSURE OF AN
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 seventy-two (72) hours of the incident; and
- document that within ten (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 PRINTED NAME

DATE

EMPLOYEE SIGNATURE

*Texas Legislature Senate Bill 959

RETURN COMPLETED FORM TO THE PERSONNEL DEPARTMENT