



**Broward
Community
College**

Policy Manual

Title: Policy Regarding Employees with Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS)	Number: 6Hx2-3.18
Legal Authority: Fla. Statutes 240.319 (3), 240.3191, and 240.3192, the Americans with Disabilities Act, the Federal Vocational Rehabilitation Act of 1973	Page: 1 of 2

The College has established a program to address the issue of human immunodeficiency virus (HIV) infection and acquired immune deficiency syndrome (AIDS). The program consists of education, prevention, and counseling services.

The Americans with Disabilities Act, Federal Vocational Rehabilitation Act of 1973, and the Florida Educational Equity Act prohibit discrimination against persons with disabilities. The following policy has been enacted pursuant to Florida Statutes § § 240.319(3), 240.319(1), and 240.319(2).

The College will ordinarily impose no restrictions on an employee diagnosed with HIV that would have the effect of unnecessarily limiting participation in educational programs and activities. The College will ordinarily not inquire of any potential employee as to whether or not that person has HIV. In accordance with Florida Statutes § 381.004, and the American College Health Association’s Recommended Standards and Practices for a College Health Program, any employee who informs the College that he/she has HIV will be afforded confidentiality regarding disclosure of their medical condition. No person, group, agency, insurer, employer, or institution shall be provided any medical or other information without the prior specific written consent of the affected person.

An employee may be required to submit to a medical examination to determine his/her HIV status, only if the absence of HIV is a bonafide occupational qualification (“BFOQ”) for the job if the college believes that a BFOQ exists for such examination, the test must be necessary to ascertain whether an employee is able to perform in a reasonable manner the duties of the job in whether the employee will present a significant risk of transmitting HIV to other persons in the normal use of work activities and there exists no means of reasonable accommodation short of requiring the individual to be free of HIV.

An employee who does not request an accommodation will be treated the same as any other employee. The College will provide a reasonable accommodation that allows an employee to perform the essential functions of his/her job, if such accommodation is requested and necessary. Ordinarily, an employee with HIV will be able to remain employed and in their same position so long as that employee is able to perform the essential functions of their job with or without accommodation, and without hazard or harm to their self or others.

History: Issued on April 24, 2002
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Approved by the Board of Trustees	Date 04/24/02	President’s Signature 	Date 04/24/02
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Further information concerning HIV and AIDS, including identification of additional campus resources that may provide further information on HIV and AIDS, is available in the Human Resources Department. Any employee who feels that they have been discriminated against in violation of this policy should notify the Director of Employee Relations and Affirmative Action Programs.

The above policy has been enacted in accordance with the Americans with Disabilities Act, Federal Vocational Rehabilitation Act of 1973, and the Florida Educational Equity Act.