

CHAPTER 7. SPECIAL SERVICES

7-1 Introduction. The purpose of this chapter is to cover special initiatives that have been undertaken by the Federal Government and adopted by HUD to keep employees abreast of societal issues that could ultimately have impact on the workplace. The EAP plays a vital role in informing employees in two major areas: Acquired Immune Deficiency Syndrome and Dependent Care. The following sections provide general guidance and policy in those areas.

7-2 General Information.

Acquired Immune Deficiency Syndrome

A. AIDS - stands for:

Acquired - refers to a disease that is not genetic or inherited.

Immune - refers to the body's system for protection against disease.

Deficiency - refers to a lack in the body's immune system, leading to an increased vulnerability to illness.

Syndrome - refers to a set of symptoms which occur together.

AIDS is a disease in which the body's immune system is severely impaired. AIDS is caused by a virus called HIV.

B. HIV is a virus called the human immunodeficiency virus. When HIV enters the body, it infects T-cells, where the virus grows. This virus slowly kills these cells. As more T-cells die, the body's ability to fight infection weakens. A person with HIV may remain healthy for years. When a person is diagnosed with AIDS he/she is in the final stage of a series of health problems.

C. Transmission of the virus can occur at any stage. Based on current medical information, HIV/AIDS can be transmitted through:

- o the exchange of blood, or blood products (transfusion);
- o the exchange of body fluids during sexual intercourse;

- o perinatal transmission; and;
- o the sharing of hypodermic needles by intravenous drug users.

At present, there is no medical evidence indicating that HIV/AIDS can be contracted through casual contact with others in the workplace i.e., drinking from the same water fountain, handling food, using the same bathroom facilities, etc.

7-3 Policy. The Department's policy on HIV/AIDS in the workplace is as follows:

- o Discrimination against HUD employees with HIV/AIDS or HIV/AIDS related illnesses is prohibited;
- o Employees will be accommodated in the same manner as any other employee with a medical condition which warrants a reasonable accommodation by the agency;
- o The health condition and medical records of employees with HIV/AIDS will be kept confidential;
- o Employees with HIV/AIDS can work as long as they meet acceptable performance standards and as long as all medical evidence indicates that their condition is not a threat to themselves or others in the workplace; and,
- o In recognizing the need for its employees to be accurately informed about AIDS, the Department is committed to educating its employees on how the disease is and is not transmitted and how it can be prevented.
- o In recognizing the need for its employees to be accurately informed about AIDS, the Department is committed to educating its employees on how the disease is and is not transmitted and how it can be prevented. On-going employee information and education programs on HIV/AIDS in the workplace will be provided.

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7-4 Guidance.

- A. Employee's Ability to Work - Employees with HIV/AIDS shall be allowed to work as long as they are able to maintain an acceptable level of performance, and do not pose a risk to themselves or other employees. Accurate and complete medical documentation may be required to make competent decisions about an individuals ability to work. Under 5 CFR Part 339, Medical Qualification Determination, it is the employee's responsibility to produce medical documentation regarding the extent to which a medical condition is affecting performance. In those circumstances where an employee with HIV/AIDS

fails to submit proper documentation, the agency may request that the employee take a physical examination.

- B. Confidentiality - Any medical documentation submitted for the purpose of making employability decisions will become a part of the file pertaining to that decision, and will thus become a "record" covered by the Privacy Act. Generally, the Privacy Act forbids the disclosure of records which it covers, without the consent of the individual. However, these records are available to agency officials who have a need to know the information for an appropriate management purpose. officials who have access to such information are required to maintain the confidentiality of that information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with HIV/AIDS should strictly observe applicable privacy and confidentiality requirements or be subject to penalties under the Act.
- C. Discrimination - In accordance with EEOC regulations, equal opportunity in employment is provided to all persons with disabilities. Employees with HIV/AIDS who feel that they have been discriminated against because of their medical disability should contact a local Equal Employment Opportunity Counselor or the Office of Departmental Equal Employment Opportunity.
- D. Reasonable Accommodation - Employees with HIV/AIDS should be allowed to continue to work, as long as they are able to maintain an acceptable level of performance, and do not pose a health risk for themselves or others. Reasonable accommodations

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will be made as long as the employee is able to perform the essential functions of his/her position with such accommodations. With respect to job restructuring, details, reassignments or other changes in position for employees diagnosed with HIV/AIDS, any accommodations made will be done in the same manner as they would for any other employee whose medical condition affects job performance. Also, any employee with HIV/AIDS or any of its related conditions may request sick leave, annual leave or leave without pay to pursue medical care or to recuperate from the effects of his/her medical conditions. Available medical documentation will be reviewed and approved or disapproved accordingly. Procedures to request reasonable accommodation are located in "The Employment of Persons with Disabilities" - A Guide for Managers and Supervisors dated April, 1994.

- E. Employee Conduct - HUD is committed to maintaining a

safe and healthy environment for all employees, while continuing to meet agency goals and providing services to the public. Based on recent medical information, there is no medical evidence that the HIV/AIDS virus is transmitted through casual contact in social or occupational settings. Therefore, subject to changes from recognized medical authorities and directives, co-workers of employees with HIV/AIDS, under normal work conditions, will not have a basis upon which to refuse to work or to withhold service out of fear of contracting HIV/AIDS. Employees who refuse to work or are found to have withheld their services, harassed, intimidated, or in any manner discriminated against a persons with HIV/AIDS may be subject to discipline. HUD managers and supervisors are encouraged to disseminate accurate information about HIV/AIDS to help allay fears.

- F. Benefits - Employees with HIV/AIDS will be appropriately informed of their rights to such benefits as group life, health insurance, and disability retirement. Employees with HIV/AIDS can continue insurance coverage under the Federal Employees Group Life Insurance (FEGLI) and the present Federal Employees Health Benefit (FEHB) Program. Continued participation in either or both of these programs cannot be jeopardized because of one's health condition. Under FEGLI, death benefits are payable and are not subject to cancellation due to health status.

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Any employee who is in a leave without pay status for 12 continuous months will face statutory loss of FEHB and FEGLI coverage, but he/she does have the right to convert to a private policy without demonstrating proof of insurability. Employees with HIV/AIDS may be eligible for disability retirement if their medical condition warrants and if they have the requisite years of Federal service to qualify. Applications are expedited if the disease is advanced or life threatening.

- G. Role of the Employee Assistance Program (EAP) - Any employee with personal concerns about HIV/AIDS and its related conditions, is encouraged to contact the Department's EAP. The EAP will be able to provide general information and can provide referral sources to outside community organizations for HIV/AIDS testing, treatment and counseling. The EAP can also provide assistance to managers and supervisors in developing special educational programs to help allay fears of employees who work with persons with HIV/AIDS. Other than EAPS, the Federal Employee Occupational Health Program (PHS) and other agency procured medical staffs are also excellent sources of information on AIDS for

HUD employees.

- H. Labor/Management Relations - Cooperative labor/management activity is appropriate with respect to providing employees education and information and alleviating AIDS-related problems that may arise in the workplace. Cooperative labor/management efforts are encouraged as early in the planning process of any HIV/AIDS related employee activity as possible.
- I. Employee/Management Education - HIV/AIDS education And awareness programs are to be offered to managers, supervisors and employees on an on-going basis. When special training needs occur concerning HIV/AIDS, EAP, union representatives and HUD Training Academy staff will work closely together to address that need.

7-5 Dependent Care Guidance

- A. General. The information presented here is intended to provide HUD employees with:
 - 1. background information on dependent care; and
 - 2. Federal guidance and HUD policy on dependent care.

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- B. Background Information. Federal employees, like their counterparts in the private sector, are called upon with increasing frequency to provide support for dependents, both younger and older family members. The increasing number of working women and two earner families has brought about special challenges to child care. The increased percentage of the population that is elderly has resulted in a growing need for elder care. These care giving demands can create special pressures which could affect job performance and employee well-being. For example, in some cases employees must take unscheduled leave or make special arrangements with their employers in order to arrange care for their children or other family members. These pressures will continue growing as more working women and two earner family members enter the Federal work force.
- C. Federal Guidelines on Dependent Care. OPM has sought ways to help Federal employees balance the competing demands of work and family life, because of the need to ensure that families remain strong. As a result, a number of traditional features of the Federal Government's employee benefits program, e.g., health benefits and leave program, in addition to some relatively new program/initiatives, e.g., child care centers, parental leave, family leave act, new sick leave provisions, flexitime, alternate work schedules,

credit hours and leave transfer programs, have been identified to give Federal employees broad flexibility to shape their work life to fit their family life. These programs provide managers and supervisors with the necessary latitude to respond to an employee's family care needs while ensuring organizational needs are met.

- D. HUD Policy on Dependent Care. It is the policy of HUD to encourage employees to become familiar with these options and make use of them wherever possible. In addition, managers and supervisors can make these options available to employees as appropriate. For information on dependent care options, contact your respective Field EAP Liaison Officer in the Field or EAP Office in Headquarters.