

Major Functional Series 400: Personnel
ADS Chapter 407 - ACQUIRED IMMUNE DEFICIENCY SYNDROME IN
THE WORKPLACE

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407.1 Authority

1. Rehabilitation Act of 1973, Sections 503 and 504
2. [5 CFR 339 Medical Determination Related to Employability](#)
3. USAID General Notice, August 15, 1994, HIV/AIDS Education Program

407.2 Objective

To maintain a safe and healthy work environment for USAID employees and to ensure that USAID employees are educated about HIV/AIDS. And to protect the rights of an HIV infected employee and ensure that in so far as a HIV-infected employee can and is willing to work, such an employee will not be isolated from other employees in the workplace.

407.3 Responsibility

1. USAID Management is responsible for ensuring that employees are informed about HIV/AIDS in a manner that will promote a general acceptance of an HIV infected employee in the workplace so that co-workers will not have a basis upon which to refuse to work or withhold their services out of fear of contracting AIDS by working with an HIV infected person.
2. Supervisors are responsible for ensuring that reasonable accommodations are made to ensure that an HIV infected employee is able to perform the essential functions of the job.
3. Supervisors are responsible for approving or disapproving requested leave.
4. The Bureau for Management, Office of Human Resources, Performance Management and Employee Services Division, Employee Services and Benefits Branch (M/HR/PMES/ESB) is responsible for providing information to an HIV infected employee concerning rights to group life and health insurance benefits, disability leaves of absence and any other disability benefits to which an HIV infected employee might be entitled.
5. The Office of Medical Services is responsible for assigning all medical clearances and approving or disapproving any temporary duty overseas assignment of an HIV/AIDS infected employee.

6. The USAID Mission and the Office of Medical Services are jointly responsible for approving or disapproving any HIV/AIDS infected employee long term assignment overseas.

7. Supervisors, managers and others making and implementing personnel management decisions involving an employee with HIV/AIDS are responsible for strictly observing applicable privacy and confidentiality requirements.

407.4 Definitions (See [ADS Glossary](#))

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
AIDS-RELATED COMPLEX (ARC)
CLEARANCE CLASS 2
CLEARANCE CLASS 5
HUMAN IMMUNODEFICIENCY VIRUS (HIV)

407.5 POLICY

* The statements contained within the .5 section of this ADS chapter are the official Agency policies and corresponding essential procedures.

407.5.1 THE WORKPLACE

Employees with HIV/AIDS shall be allowed to continue working as long as they are able to maintain acceptable performance and do not pose a health or safety risk to themselves or others in the workplace.

E407.5.1 The Workplace

407.5.2 EQUAL TREATMENT

Employees with HIV/AIDS shall be treated in the same manner as employees who suffer from other serious illnesses.

E407.5.2 Equal Treatment

407.5.3 DISCRIMINATION

Employees who refuse to work with or who withhold their services, harass, intimidate or in any other manner discriminate against an HIV-infected employee shall be subject to disciplinary action. (See [ADS 485](#) & [487](#))

E407.5.3 Discrimination

407.5.4 HIV/AIDS INFORMATION

The Agency shall provide current information from time to time to all employees about AIDS with a view to helping improve employee understanding of HIV/AIDS.

E407.5.4 HIV/AIDS Information

407.5.5 LEAVE

Leave requested by an HIV infected employee shall be made in the same manner as it would for employees with other medical conditions. **(See [ADS 480 - Leave](#)).**

E407.5.5 Leave

407.5.6 REASONABLE ACCOMMODATIONS

Reasonable accommodations for employees with HIV/AIDS, including part-time work schedules, work restructuring, details, or reassignments, shall be made in the same manner as they would for other employees whose medical condition impacts job performance.

E407.5.6 Reasonable Accommodations

407.5.7 ASSIGNMENTS

a) Foreign Service employees with evidence of immune suppression and/or symptoms shall be assigned to the United States and given a Class 5 clearance. FS employees who test positive without evidence of immune suppression will receive a limited medical clearance, a Class 2 clearance, and may be assigned only to posts with medical personnel and facilities to monitor and provide care for such a medical problem.

b) Only temporary duty assignments within the continental United States of an HIV/AIDS infected employee shall be approved or disapproved by the employee's immediate supervisor.

E407.5.7 Assignments

407.5.8 CONFIDENTIALITY OF MEDICAL INFORMATION

The Agency shall treat all medical information obtained from an employee with HIV/AIDS or other medical conditions confidentially.

E407.5.8 Confidentiality of Medical Information

407.5.9 BENEFITS

No employee benefits shall be adversely affected by a positive HIV/AIDS test. (See [ADS 476 - Benefits](#))

E407.5.9 Benefits

407.5.10 TESTING FOR HIV/AIDS

All Foreign Service (FS) employees must be tested for the AIDS causing virus at the time of being examined by the Office of Medical Services, Department of State.

E407.5.10 Testing for HIV/AIDS

407.5.11 POSITIVE HIV/AIDS TEST

No employee shall be separated because of a positive HIV/AIDS test.

E407.5.11 Positive HIV/AIDS Test

407.5.12 HIRING

The Office of Medical Services shall not recommend hiring an applicant for employment with USAID if that applicant tests positive for HIV/AIDS, just as it will not recommend an applicant for employment in the Foreign Service who has a medical problem or condition that would limit the applicant's worldwide availability.

E407.5.12 Hiring

407.6 Supplementary Reference

407.7 Mandatory Reference