

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Employees with HIV/AIDS

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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JAN'S ACCOMMODATION AND COMPLIANCE SERIES

Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <http://askjan.org/soar>.

Information about HIV/AIDS

What is HIV?

HIV (Human Immunodeficiency Virus), the virus that causes AIDS, is a life-long disease that compromises the body's immune system, making it difficult to fight-off illnesses and other diseases. People with HIV have what is called HIV infection. Some people with HIV infection will develop AIDS, but not all (CDC, 2006). HIV disease progresses in stages. A person with HIV disease can be asymptomatic during the course of the disease and appear healthy while living with HIV. As the virus slowly weakens the body's immune system, a variety of symptoms and limitations can develop. Depending on the stage and treatment of the disease, a person with HIV may experience flu-like symptoms; skin rashes; fatigue; mild to severe weight loss; ulcers; fevers; diarrhea; and opportunistic infections that can cause severe pneumonia, damage to the nervous system, vision loss, and AIDS-defining cancers (The Body, 2008).

What is AIDS?

AIDS (Acquired Immunodeficiency Syndrome) is the diagnosis an HIV-infected person receives after developing one of the AIDS indicator illnesses defined by the Centers for Disease Control. A diagnosis of AIDS is made by a physician using specific clinical or laboratory standards (CDC, 2006).

How is HIV or AIDS transmitted?

HIV or AIDS is passed from one person to another through blood-to-blood and sexual contact. HIV transmission can occur when blood, semen, vaginal fluid, or breast milk from an infected person enters the body of an uninfected person.

Following are the most common ways that HIV is transmitted from one person to another:

- By having sexual intercourse (vaginal, anal or oral sex) with an HIV infected person
- By sharing needles or injection equipment with an injection drug user who is infected with HIV
- From HIV infected women to babies before or during birth, or through breast-feeding after birth

HIV can also be transmitted through transfusions of infected blood or blood clotting factors (Since 1985 all donated blood in the U. S. has been tested for HIV therefore the risk for transmission is extremely low) (CDC, 2006).

According to the CDC, HIV is a fragile virus. It cannot live for very long outside the body. As a result, the virus is not transmitted through day-to-day activities such as shaking hands, hugging, or a casual kiss. A person cannot become infected from a toilet seat, drinking fountain, doorknob, dishes, drinking glasses, food, or pets (CDC, 2010).

How is HIV/AIDS treated?

In the past decade, advances in the treatment of HIV have slowed the progression of the disease. These advances, including highly active antiretroviral therapy (HAART), have helped extend the lives of thousands of people living with HIV and AIDS (The Body, 2008). Antiretroviral drugs do not provide a cure for HIV or AIDS, but can slow the progression of the disease. The side effects of treatment may cause various limitations.

HIV/AIDS and the Americans with Disabilities Act

Is HIV/AIDS a disability under the ADA?

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet on a case by case basis (EEOC Regulations . . . , 2011). A person has a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment (EEOC Regulations . . . , 2011).

However, according to the Equal Employment Opportunity Commission (EEOC), the individualized assessment of virtually all people with HIV/AIDS will result in a determination of disability under the ADA; given its inherent nature, HIV/AIDS will almost always be found to substantially limit the major life activity of immune function (EEOC Regulations . . . , 2011).

Accommodating Employees with HIV/AIDS

(Note: People with HIV/AIDS may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with HIV/AIDS will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.)

Questions to Consider:

1. What limitations is the employee with HIV/AIDS experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with HIV/AIDS been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with HIV/AIDS to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding HIV/AIDS?

Accommodation Ideas:

Fatigue/Weakness:

- Accessible facility (Ramps, parking etc.)
- Reduce/eliminate lifting, walking, etc.
- Flexibility to sit or stand (Adjustable workstation)
- Rest area with cot
- Later start time
- Frequent rest breaks
- Shorten work day and extend work week
- Job sharing
- Telework

Chronic Diarrhea:

- Work-site near restroom (Inconspicuous)
- Flexible work schedule to allow for restroom breaks

Decreased Cognitive Abilities (Problems with concentration, memory, etc.):

- Increase levels of job structure
- Provide written job instructions
- Prioritize job assignments
- Flexible work hours
- Rest periods to reorient
- Memory notebook or scheduler (Can be electronic or paper)
- Minimize distractions
- Self-paced workload
- Reduce job stress
- Educate coworkers about psychological implications if needed (Keep the individual with HIV/AIDS and his/her disability confidential)
- Evaluate safety hazards

Vision Impairment: Reading information from computer screen (For those who benefit from magnification and other modifications):

- External screen magnifier
- Screen magnification software
- Larger sized monitor
- Anti-Glare or anti-radiation computer screen guard
- High resolution monitor
- Special computer glasses to reduce glare
- Change font size or contrast in existing software application
- Frequent breaks to rest eyes when fatigue is a factor
- Additional training

Vision Impairment: Reading information from computer screen (For those who do not benefit from magnification):

- Screen reading software
- Refreshable Braille display
- Dual channel headset if using a computer with speech output and the telephone at the same time
- Providing a Qualified Reader
- Additional training

Vision Impairment: Reading information from printed materials (For those who benefit from magnification and other modifications):

- Hand/Stand magnifier
- Improved lighting or task lighting
- Reduce glare on paper copy (Close blinds on windows, change lighting in area, etc.)
- Closed circuit television system (Desktop & Portable models are available)
- Enlarge information on photo copier
- Optical wear (Eye glasses, Low Vision Enhancement Systems, Flip-down magnifiers, etc.)
- Frequent breaks to rest eyes when fatigue is a factor
- Additional training

Vision Impairment: Reading information from printed materials (For those who do not benefit from magnification):

- Optical character recognition system (Also known as a scanner with speech output - PC based & portable models are available)
- Providing a Qualified Reader
- Additional training

For a more detailed description of accommodation ideas for vision impairments, please go to Work-site Accommodation Ideas for Individuals with Vision Impairments at <http://askjan.org/media/Sight.html>.

Sensitivity to Light:

- Lower wattage overhead lights
- Task lighting
- Broad spectrum lighting
- Install flicker free lighting
- Optical wear (Protective eye glasses)
- Move work station to another area
- Place blinds on windows

Respiratory Difficulties (Problems breathing):

- Good ventilation
- Clean work environment free from dust, smoke, odor and fumes (Air purifier, appropriate ventilation, working windows, etc.)
- Avoid temperature extremes
- Educate coworker to wash hands frequently and to stay at home if sick
- Telework

Neurological Complications (Problems with numbness in fingers, legs, feet or difficulties with seizures, headaches, noise, dizziness, mood swings and concentration):

- Eliminate need to use sharp objects
- Provide protective clothing/equipment
- Modify job tasks requiring fine finger dexterity
- Reduce noise (Use partitions, white noise, environmental sound machines, headsets and/or move employee to a more quiet environment)

Skin Infections (May include open sores, bruises, lesions and rashes):

- Avoid infectious agents and chemicals
- Avoid invasive procedures (activities that could be harmful to people with skin conditions)
- Flexible leave policy

Psychological Implications (Difficulties adjusting to having a disability, stress, etc.):

- Identify stressors and reduce stress
- Educate coworkers, but keep person and his/her condition confidential
- Peer counseling
- Allow telephone calls to emotional supports
- Open door policy to supervisor
- Negotiating time for accommodations
- Time off for counseling or therapy
- Provide praise and positive reinforcement

Weight Loss:

- Ergonomic chair with extra padding
- Arm supports
- Alternate working positions to prevent sores from forming (i.e., sitting & standing)
- Have access to refrigerator (To store food supplements or medications)

Other Medical Considerations:

- Flexible work schedule
- Time off from work to seek medical care (Many clinics are only open during the day)
- Reassignment
- Health insurance that does not exclude preexisting conditions
- Health insurance that does not single out HIV in order to cap medical benefits

Situations and Solutions:

A computer operator was experiencing weight loss and chronic diarrhea as a result of having HIV. She was provided with an ergonomic chair with extra padding and began to change seating positions often. This prevented her from getting sores from sitting in one position for prolonged periods of time. Employee's workstation was also moved closer to a restroom to provide her better access. Total cost to move employee to another workstation was virtually nothing.

A pharmacist was having difficulties standing for eight hours a day on a tile floor. This employee was responsible for filling prescriptions for medication. The work area was carpeted using extra padding, which assisted in reducing fatigue and a sit/stand/ lean stool was purchased to assist employee when standing. Employee was also permitted to take frequent rest breaks throughout the day. This was possible since the employee cut his lunch hour down to 30 minutes, which provided him with 30 minutes that could be used at other times of the day whenever a break was needed. Also another pharmacist was available to cover his breaks.

A secretary with HIV could only go to the HIV clinic during work hours. The employer provided the employee with a flexible work schedule, so that she could go to the clinic for medical attention and counseling. The employee made up the hours throughout the week by staying later and by coming in early.

A machine operator was experiencing difficulties remembering the steps involved in changing a part on his machine. The employer provided the employee with a step by-step checklist and directions explaining how to do this.

An accountant was experiencing eye sensitivity to fluorescent light in her office. As a result, she was unable to clearly view her computer screen or written materials due to glare. The accommodation solutions were to lower the wattage in the overhead lights, provide task lighting, and a computer screen glare guard.

Products:

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <<http://askjan.org/soar>> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

Resources

Job Accommodation Network

West Virginia University
PO Box 6080
Morgantown, WV 26506-6080
Toll Free: (800)526-7234
TTY: (877)781-9403
Fax: (304)293-5407
jan@askjan.org
<http://askjan.org>

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303
Washington, DC 20210
Toll Free: (866)633-7365
TTY: (877)889-5627
Fax: (202)693-7888
<http://www.dol.gov/odep/>

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

AIDS Action Foundation

1730 M Street NW
Suite 611
Washington, DC 20036
Direct: (202)530-8030
Fax: (202)530-8031
<http://www.aidsaction.org>

The foundation, a national organization, is dedicated to the development, analysis, cultivation, and encouragement of sound policies and programs in response to HIV epidemic. Its goals-Until It's Over- until no one acquires HIV, until those living with HIV have the care and services they need, and until no one a cure is found, It develops and disseminates educational materials on the latest public policies and programs, the demographic impact of HIV and materials on the struggle against HIV/AIDS.

American Red Cross

2025 E Street, NW
Washington, DC 20006
Toll Free: (800)733-2767
Direct: (703)206-6000
<http://www.redcross.org/>
(800)257-7575 (Español)

In addition to domestic disaster relief, the American Red Cross offers compassionate services in five other areas: community services that help the needy; support and comfort for military members and their families; the collection, processing and distribution of lifesaving blood and blood products; educational programs that promote health and safety; and international relief and development programs.

CDC Business and Labor Resource Service

PO Box 6003
Rockville, MD 20849-6003
Toll Free: (877)242-9760
TTY: (240)514-2780
Fax: (301)562-1050
info@hivatwork.org
<http://www.brta-lrta.org>

The Centers for Disease Control and Prevention Business Responds to AIDS and Labor Responds to AIDS programs (BRTA/LRTA) to help large and small businesses and labor unions meet the challenges of HIV/AIDS in the workplace and the community.

CDC National AIDS Hotline

ASHA's STI Resource Center Hotline
PO Box 13827
Research Triangle Park, NC 27709
Toll Free: (800)227-8922
http://www.ashastd.org/herpes/herpes_hotline.cfm

The Hotline is open from 9:00 am to 8:00 pm, Eastern Time, Monday through Friday.

CDC National Center for HIV, STD and TB Prevention (NCHSTP)

Division of HIV/AIDS Prevention
1600 Clifton Road
Atlanta, GA 30333
Toll Free: (800)232-4636
TTY: (888)232-6348
cdcinfo@cdc.gov
<http://www.cdc.gov/hiv/dhap.htm>

The new initiative of Advancing HIV Prevention New strategies for changing Epidemic is aimed at reducing barriers to early diagnosis of HIV infection and increasing access to quality medical care, treatment, and ongoing prevention services to those diagnosed with HIV.

NAMES Project Foundation

AIDS Memorial Quilt
637 Hoke Street NW
Atlanta, GA 30318-4315
Direct: (404)688-5500
Fax: (404)688-5552
info@aidsquilt.org
<http://www.aidsquilt.org>

The NAMES project Foundation will help businesses coordinate a display of a section of the AIDS Memorial Quilt in the workplace. The mission of the foundation is to preserve, care for, and use the AIDS Memorial Quilt to foster healing, heighten awareness, and inspire action in the struggle against AIDS and HIV.

National Association of People with AIDS

8401 Colesville Road
Suite 505
Silver Spring, MD 20910
Toll Free: (866)846-9366
Direct: (240)247-0880
Fax: (240)247-0574
<http://www.napwa.org>

NAPWA Advocates on behalf of all people living with HIV/AIDS in order to end the pandemic and the human suffering caused by HIV/AIDS.

National Minority AIDS Council

1931 13th Street, NW
Washington, DC 20009-4432
Direct: (202)483-6622
Fax: (202)483-1135
<http://www.nmac.org>

Dedicated to developing leadership within communities of color to address the challenges of HIV/AIDS.

National Native American AIDS Prevention Center

720 S. Colorado Blvd
Suite 650-S
Denver, CO 80246
Direct: (720)382-2244

Fax: (720)382-2248
information@nnaapc.org
<http://www.nnaapc.org>

The National Native American AIDS Prevention Center's (NNAAPC) mission is to stop the spread of HIV and related diseases among American Indians, Alaskan Natives, and Native Hawaiians, and to improve the quality of life for those infected and affected by HIV/AIDS.

The Well Project

Toll Free: (888)616-WELL (9355)
info@thewellproject.org
<http://www.thewellproject.org>

The Well Project's mission is to change the course of this HIV/AIDS pandemic through a unique and comprehensive focus on women. In order to reach this goal, we are always working to develop new resources to educate, nurture, and support the community of HIV+ women, their caregivers, and their health care providers.

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EEOC Regulations To Implement the Equal Employment Provisions of the Americans

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