

United States General Accounting Office

GAO

Comptroller General's Task Force on
AIDS in the Workplace

December 1987

Managers' Guidelines for Dealing with Individual Cases of AIDS

Preface

At the recommendation of the Comptroller General's Task Force on AIDS in the Workplace, this document, originally appendix IX of the full Task Force report, is being reprinted separately for use by individual GAO managers. In reviewing the possible workplace implications of the AIDS epidemic, the Task Force received several suggestions from employees that GAO managers be given explicit guidance on GAO's policy about employees with AIDS. In response, the Task Force prepared these guidelines on how a line supervisor could deal with difficult situations or questions that might arise if one of his/her staff had, or was perceived to have, AIDS.

Copies of this report, the summary report of Results and Recommendations, and the full report of the Comptroller General's Task Force on Coping with AIDS in the GAO Workplace are available for sale from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Managers' Guidelines for Dealing With Individual Cases of AIDS

GAO recognizes that employees with life-threatening illnesses, including cancer, heart disease, and AIDS, may wish to continue to engage in as many of their normal activities as their condition allows, including work.

Managers who supervise employees with these conditions need to be fully aware of employee rights, as well as their own responsibilities. GAO will provide all assistance necessary to enable managers to carry out their responsibilities appropriately, effectively, and humanely. Other employees supervised also need to feel confident that their health will not be endangered and that GAO will provide whatever services are required to help deal with the reality of AIDS and any other life-threatening illness in the workplace.

Consistent with this concern, GAO offers the following guidelines for managers. They are intended to be published separately from the present report, which is why they may present some areas of redundancy with other appendixes. In addition, they should be viewed as iterative: to be completed, updated, and corrected as future managerial experience dictates.

Personal and confidential. The first thing for a manager to keep in mind is that an employee's health condition is personal and private. A manager must take reasonable precautions to keep health information confidential if disclosed by an employee. A manager is subject to administrative penalties for disclosing the condition of an employee with AIDS without official reason to do so. Of course, a manager should not under any circumstances engage in rumors about the health of any staff member. Also, employees are not required to tell their managers if they have AIDS or other life-threatening illnesses. However, a manager who has been informed by a staff member that he/she has AIDS and wishes special assistance or cannot perform normal duties, may advise appropriate superiors and ask for specific guidance on how to manage an employee with a terminal illness.

A manager is not obligated or permitted without consent to tell other staff supervised if one of their coworkers has taken a test for AIDS, has tested HIV antibody positive, has ARC, or has another life-threatening illness. All available medical data indicate that AIDS is not communicated among employees working in GAO or in another office environment.

Assistance network. An employee with AIDS may need several kinds of assistance and may thus need to turn to a number of people both inside

and outside GAO. To help the employee's efforts in making contact with appropriate persons in the assistance network, each GAO division, staff office, and regional office will designate one staff member—the operations deputy or assistant regional manager—to serve as a focal point for personnel issues related to AIDS. That person will know about employee rights, benefit packages, support groups, and other matters likely to be of concern to employees with AIDS, their supervisors, and coworkers. The employee may also turn to an immediate supervisor or go directly to the designated focal point in Personnel or the Counseling and Career Development Branch for confidential advice and assistance.

Behavioral manifestations of AIDS. In advanced stages of the disease, the AIDS victim may display uncharacteristic signs of depression, confusion, or hostility. These may be a product of neurological damage caused by the disease or the intense psychological trauma of confronting the diagnosis of an incurable illness. The manager must recognize such behavior as manifestations of the illness. He/she should review the possible accommodations to the employee's condition included in the following section.

Continued employment and job discrimination. An employee with AIDS or any related illness may continue to work as long as he/she can perform his/her job. A manager must make all reasonable accommodations to assist the employee.

An individual who tests positive may require little or no accommodation. An employee with ARC or clinically defined AIDS may require no greater accommodation than government agencies make to most seriously ill staff members. As long as an employee with AIDS can meet reasonable and acceptable performance standards—and his/her condition is not a threat to others—he/she should be treated like any other employee. If warranted, a manager may make reasonable accommodations for an employee with AIDS as long as those accommodations do not hamper the business needs of the unit. Some accommodations are as follows:

- flexible work hours;
- part-time work schedules;
- liberal approval of annual and sick leave and appropriate approval of administrative leave;
- advance leave, if appropriate, usually not to exceed 30 days;
- counseling time within GAO;
- administrative leave for outside counseling;

- light duty assignments;
- seeking permission from the appropriate authority for the employee to work at home;
- making facilities and equipment readily accessible and usable by the handicapped;
- restructuring the job;
- voluntary downgrading or reassignment to a more appropriate job in another qualified series;
- granting LWOP; and
- job sharing, in which two people divide one permanent position between them.

Clearly, many accommodations are feasible, but care should be taken not to isolate the employee from the normal work environment in any way that could be interpreted as discriminatory.

Contagious Nature and Coworkers' Concerns. No data have been presented to show that AIDS constitutes a health risk for office workers. The AIDS virus cannot be passed through the air or by sneezing, breathing, crying, or coughing. Also, touching or holding or shaking hands does not spread AIDS. Studies have shown that people in the same family with AIDS have played, eaten, and slept together and shared the same toothbrushes and have not transmitted AIDS to each other. Fortunately, AIDS, whether detected or undetected, is not spread through casual contact.

Managers must learn enough about AIDS to responsibly attend to subordinates' concerns. They must be thoroughly aware of GAO's policy on AIDS and other AIDS-related illnesses.

The fact remains, however, that some employees will continue to be uncomfortable with a coworker's life-threatening illness. In such a case, a manager may feel the need to ask for a meeting of his/her staff with representatives from the ongoing AIDS task group, chaired by the Director of Personnel. That group can also arrange for an outside expert on AIDS to talk with concerned managers and staff. However, in the final analysis, staff will be expected to continue working relationships with any fellow employee recognized as having AIDS.

Employee benefits. Basically, employee benefits related to AIDS are the same as for other life-threatening illnesses. For example, AIDS is not singled out from any other disease included in federal health benefit programs. Open season usually is held once each year, and employees are

free to select the most appropriate insurance plan to meet their anticipated health conditions. The Office of Personnel will help with this selection.

Health benefits continue during all leave periods, including leave without pay. However, during any nonpay status, the employee must pay a share of the premium for each period in which coverage continues. The enrollment of an employee continues in nonpay status for up to 365 days. If an employee has at least 4 consecutive months in pay status, he/she is entitled to begin the 365 days continuation of enrollment anew.

Life insurance benefits are payable in the event of death of an eligible employee or family member if death occurs while insured, no matter how caused. Basic coverage for federal employees is equal to the annual basic pay (rounded to the next \$1,000) plus \$2,000, and if applicable, the additional optional \$10,000. Also, life insurance continues without cost to the employee while in a nonpay status for up to 12 months, when the insurance is terminated. If the employee has at least 4 consecutive months in a pay status, he/she is also entitled to begin the 12-month period of insurance enrollment anew.

Survivor benefits are the same for survivors of AIDS patients as for any other cause of death. The health benefits coverage continues if the surviving spouse is eligible for coverage under a family plan and elects continuation. The life insurance is payable to the beneficiary designated or in the order of precedence required by law. If a retirement annuity is payable, the surviving spouse receives a monthly annuity; otherwise a lump-sum payment is made.

An employee may also qualify for disability retirement if no longer able to adequately perform the job. The average employee avoids applying for disability retirement until no other choice is available because the guaranteed minimum of 40 percent of the high-3 average yearly pay is usually not adequate for a normal standard of living. To be eligible for disability retirement under the Civil Service Retirement System, the employee must have a minimum of 5 years creditable service, and under the Federal Employees Retirement System, an employee must have at least 18 months creditable service.

Testing. GAO does not support a routine testing program for employees. However, staff being transferred to overseas offices will, in this as in other cases, follow the normal State Department guidelines and will be

given the same health tests as State Department employees, including AIDS testing.

Employee counseling and outside assistance. An employee who has the AIDS virus or becomes sick with AIDS should be encouraged to seek assistance from GAO's counseling services and from established community support organizations for medical testing, treatment, and counseling. The Task Force on AIDS developed resource lists of many organizations and community services in the relevant GAO locations that can provide anonymous or confidential assistance. These lists have been distributed to all GAO employees, and further copies can be obtained from the Counseling and Career Development Branch.

It is not easy to feel comfortable with issues of death and dying, and these are thrust suddenly and obtrusively into the work environment with the advent of a case of AIDS. Managers, coworkers, and staff dealing with life-threatening illness are all at high risk of excessive stress. To assist employees in getting help, advice, and counseling when they need it is a manager's responsibility.

In summary, the manager needs to draw on the assistance and counsel of all GAO resources to

- consistently and correctly apply personnel rules and GAO policy;
- avoid legal liabilities;
- protect the rights of all employees, including those who have life-threatening illnesses and those who do not;
- control or eliminate rumors;
- decrease the fear of AIDS; and
- carry out his/her responsibilities humanely, appropriately, and effectively.

The following likely questions and possible responses have been prepared to help managers cope with problems that could arise in dealing with AIDS and employees in the workplace.

Manager. When a staff member informs me that he or she has AIDS or ARC or has tested HIV antibody positive, what should I do?

Response. Realize that an employee with AIDS has the following fears:

- My coworkers will isolate me.
- I will lose my job.
- I will be given another job that will not appropriately use my skills, knowledge, and abilities, or I will be put in a closet and isolated.

Explain that GAO treats employees with AIDS the same as any other employee with a life-threatening illness not contagious in the workplace. GAO will not terminate his/her employment because of AIDS nor discriminate against the employee in any way. Explain you will keep the information confidential, but also explain the advantages and disadvantages of being candid with coworkers. Explain that frankness allows an opportunity for open discussion, reduces tension, and can create a supportive and understanding atmosphere by eliminating suspicions or unwarranted fears that AIDS can be transmitted casually in the workplace.

Manager. If the employee informs me he/she has AIDS but does not want to make it known to others, what should I do?

Response. Assure him/her that the information will be kept confidential. An employee's health condition is personal and private. However, explain that if the employee becomes unable to perform normal duties or needs special assistance and accommodations, then discussions with appropriate superiors must take place.

Manager. What is GAO's policy on granting special accommodations?

Response. Realize the physical effects of AIDS and treatment will likely affect the employee's energy level and stamina at some point. Explain to the employee that in GAO, AIDS is treated as a disability. GAO's policy is that employees may work as long as they can perform their jobs. All reasonable accommodations to assist them will be made. Educate yourself to effectively answer the employee's questions about GAO's policy on accommodations for employees with long-term or life-threatening illness.

Manager. Because of special accommodations for an employee with AIDS, several coworkers have begun to complain that their work loads have increased to compensate for the employee's accommodations and reduced work capacity. How can I accommodate everyone's rights?

Response. Start by explaining that making accommodations for a person's illness did not start with AIDS. GAO's policy covers all other illnesses

that less fortunate employees may acquire, including heart disease and cancer. The day-to-day course of any illness is usually unpredictable. Explain that coworkers need to be understanding at times when the work load cannot be predicted or evenly distributed. Discuss the staff's concerns with superiors if an accommodation is likely to result in a disproportionate distribution of work over an extended period. Additional resources may be possible on a temporary basis. Recognize that the length of the illness will not be known but that it may last several years during which the employee will experience good days and bad days.

Manager. What if the employee asks me for advice on where to get help?

Response. The Task Force on AIDS has prepared a brochure showing where to get help, listing community resources and the types of assistance they provide. This information can be obtained by the manager or the employee from our CCD. Also, offer to contact an appropriate Personnel staff member to obtain up-to-date information on all potential employee benefits, such as leave without pay, health and life insurance, disability retirement, survivor benefits, and possible work accommodations. Also, point out that GAO's confidential counseling service is available.

Manager. What if a staff member comes to me and says, "Does Sam have AIDS? It seems to me he does, and I do not want to work with him."

Response. Whether you have knowledge in fact or not that "Sam" does or does not have AIDS, you must keep your knowledge of his medical information confidential and you may not confirm or deny whether anyone has AIDS without his/her permission. Your reply should point out that managers are not obligated or permitted, without the employee's consent, to discuss another person's medical condition, i.e., to tell other staff members if one of their coworkers has taken a test for AIDS, has tested positive for HIV antibodies, or has AIDS-related complex or any other illness.

The manager should explain that AIDS is not spread by the kind of general contact that occurs among people in office settings. Point out that studies have demonstrated the AIDS virus is not passed to another person through the air or by sneezing, breathing, crying, coughing, touching, or holding and shaking hands. Also, point out that AIDS is not spread through casual contact and that there is no need to fear or avoid working with any staff member who either has AIDS or is only suspected of

having AIDS. You may want to emphasize that although there is no guarantee that one can never under any circumstances catch the AIDS virus, the Centers for Disease Control have no documented cases in which the virus has been passed on through casual contact between two people.

Manager. What if I notice a decline in an employee's work performance and note that he/she has been taking a lot of sick leave lately. Let's say I have also heard rumors that the employee could have AIDS. What should I do?

Response. You may inform the employee that rumors are circulating and ask how you should respond. You may not ask if the employee in fact has AIDS or imply it in any way. You may explain your observations about the sick leave and performance decline and ask if there is some explanation for it. Ask also if there is anything you can do to help. Make it clear that anything said will be kept confidential. You can explain that the GAO policy is to make all reasonable accommodations if a physician certifies there is a medical disability. This will allow the employee to decide whether it is in his/her interest to reveal a medical disability, if there is one.

Manager. What if the rumors turn out to be false and the employee does not have AIDS?

Response. You still have rumors to deal with at work, and the manager is responsible for safeguarding the health and safety of his/her employees, including those who may have AIDS and those who do not. The manager can alleviate these concerns by providing facts and dealing with any rumors as they arise. The manager can arrange for a staff meeting, coordinated with superiors, attended by someone from the AIDS Task Force or an outside expert, or both, to discuss the medical evidence that, as already noted, there are no known cases in which AIDS has been transmitted through casual contact. The best way to alleviate employee fears is to educate staff on the medical details of AIDS, especially how it is transmitted.

Manager. How can I deal with my own stress and that of others who are working with a staff member who is dying of AIDS?

Response. Encourage a discussion so that coworkers can express their feelings about working with an employee who has AIDS and who may over time become weaker and weaker as the illness progresses. Recognizing the considerable discomfort that goes with watching the gradual

physical or mental decline of a colleague, advise staff to act naturally, to speak about their feelings with the ill employee, and to be sympathetic but not pitying.

Manager. If a concerned staff member wants to know more about what AIDS is and what health problems to expect when a person is said to "have AIDS," what do I say?

Response. AIDS stands for acquired immune deficiency syndrome. In referring to the AIDS virus, scientists have used several abbreviations, such as HIV (human immunodeficiency virus), HTLV-III (human T-lymphotropic virus type III), and LAV (lymphadenopathy associated virus).

When the AIDS virus enters the blood stream, it begins to attack certain white blood cells called T-lymphocytes and damages the person's immune system and his/her ability to fight other diseases. Without a well-functioning immune system to ward off bacteria, the person becomes vulnerable to other infections. Some of these may cause life-threatening illness, such as pneumonia and meningitis. The AIDS virus may also attack the nervous system and cause damage to the brain reflected in symptoms such as memory loss, loss of coordination, and partial paralysis.

AIDS antibodies can be detected by a blood test usually 2 weeks to 3 months or longer after infection. Some people remain apparently well after infection with the AIDS virus for long periods.

ARC, or AIDS-related complex, is a condition caused by the AIDS virus; however, the symptoms may be less severe than those of clinically defined AIDS. Symptoms of ARC may include loss of appetite, weight loss, fever, night sweats, skin rashes, diarrhea, tiredness, and swollen lymph nodes. These are also symptoms of many other diseases; therefore, a physician should be consulted if they appear.

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