



U.S. Department of
Transportation

Office of the Secretary
of Transportation

ORDER

DOT 3792

10-31-95

Subject: **DEPARTMENT OF TRANSPORTATION HIV/AIDS POLICY**

1. **PURPOSE.** This Order establishes Department of Transportation (DOT) policy on Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) in the workplace.
2. **POLICY.**
 - a. **Non-Discrimination.** DOT shall respond to an HIV-infected employee the same as any other employee with a serious illness. Since there is no known risk of HIV transmission from HIV-infected persons to coworkers through casual contact in a workplace, employees known to be infected with HIV, including those diagnosed with AIDS, will not be restricted from work and will have full access to tools, equipment and workplace amenities. This includes telephones, headphones, office equipment, toilets, showers, eating facilities, water fountains, and all other spaces and materials associated with work performance and workplace living. Physical symptoms or the use of medication may require the reassignment of HIV-infected individuals to nonsafety-related duties, to the extent available.
 - b. **Reasonable Accommodation.** Employees known to be infected with HIV/AIDS are entitled to reasonable accommodation under the Rehabilitation Act of 1973, as amended. Each case will be handled on an individual basis according to the employee's medical condition and job requirements. The employee must provide necessary medical information that shows the extent to which a medical condition affects the employee's availability for duty or ability to perform particular job functions or assignments. Medical considerations may require restriction of safety related duties. Agency medical authorities must have access to the infected individual's medical records and reports within the meaning of 5 CFR 339.104 in order to recommend appropriate duty assignments.
 - c. **Privacy and Confidentiality.** Medical information will be treated in strict accordance with Privacy Act safeguards against unauthorized disclosure.
 - d. **Education and Awareness.** Accurate information and education on HIV/AIDS increases awareness of all employees about the disease and how it is spread, and helps alleviate workplace concerns. Therefore, the Office of the Secretary, operating administrations, and the Bureau of Transportation Statistics will provide ongoing education and information to maintain

DISTRIBUTION: **All Secretarial Offices**
All Operating Administrations
Bureau of Transportation Statistics
S-10 (R. Gordon)

OPI:

DOT 3792

employee awareness and understanding of HIV/AIDS and the policy set forth in this Order. The Office of the Secretary, operating administrations, and the Bureau of Transportation Statistics will maintain records of the number of employees receiving HIV/AIDS awareness training and the type of training provided.

FOR THE SECRETARY OF TRANSPORTATION:

A handwritten signature in black ink, reading "Melissa A. Spillenkothen". The signature is fluid and cursive, with the first name "Melissa" and last name "Spillenkothen" clearly legible.

Melissa A. Spillenkothen
Assistant Secretary for Administration