

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 37

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

Area Court Administrators	Presiding Judges
Clerk of the Appellate Courts	Senior Staff
Third District Rural Training Assistant	Administrative Associate
Full-Time Clerks of Court	
Magistrates at locations with no full-time clerk	
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan	

OTHERS: Hiring Supervisors

SUBJECT: Policy Statement and Guidelines on AIDS in the Workplace

This policy statement sets guidelines for handling personnel matters related to employees with Acquired Immune Deficiency Syndrome (AIDS) or an AIDS Related Condition (ARC). The policy statement is based on the most current medical information available from the Alaska Division of Public Health and the State Office of Epidemiology and is in compliance with AS 18.80.220 which prohibits discrimination based on physical handicap. These agencies have stated that employees with AIDS do not present a health risk to other employees in the workplace under normal working conditions. If these agencies issue new guidelines, this policy will be revised accordingly.

Policy

Alaska Court System employees with AIDS are subject to the same working conditions and performance requirements as any other employee.

The Alaska Court System recognizes that AIDS is a life-threatening illness. Due to the nature of the disease, concern continues to build worldwide. It is further recognized that employees with AIDS, as with other life-threatening illnesses or physical disabilities, may wish to continue to engage in as many of their normal activities, including work, as their condition permits. As long as employees with AIDS are able to meet acceptable performance and attendance standards, the employees will be treated as other employees with defined illnesses or physical disabilities. Additionally, eligible

employees with AIDS are entitled to health insurance coverage, personal leave and disability benefits.

The Alaska Court System also recognizes that it has the responsibility to provide a safe work environment for all of its employees. It may become necessary to ask an employee with AIDS to provide a statement from a competent medical authority regarding the employee's ability to continue to work. An employee will be terminated only if the employee can no longer perform the essential functions of the job, even after reasonable accommodations. Reasonable accommodations include changing the physical environment where practical to meet the physical needs of the disabled employee, or granting a reasonable request for a job transfer.

An employee may request a change in the place or conditions of employment to accommodate the employee's disability. The administrative director will grant the request if it is supported by a written statement from a physician, and if the accommodation requested is reasonable.

Employment and Guidelines

Each employment decision must be made on the basis of job-related criteria. A blood test will not be required for the AIDS antibody, nor will use of the results of such a test serve as the basis of any employment decision. No employee will be required to submit to any test to determine whether the employee has a AIDS-related condition as a requirement to maintain employment. As long as employees are able to meet acceptable performance and attendance standards, they will not be denied continued employment solely because of their medical condition.

Supervisors must remember that an employee's health condition is personal and confidential. Personnel or medical information about employees can be released only in accordance with Personnel Rule 1.06. Only those with a clear need to know should be informed of an employee's health condition. Likewise, all pertinent personnel rules regarding conditions of work such as the probationary period or grievances and appeals are applicable.

Co-workers

The Alaska Court System acknowledges that co-workers of employees who have AIDS or an AIDS-related condition may have concerns for their own health and safety. While

supervisors should be sensitive to co-worker's concerns, those individuals who feel threatened by a fellow employee's health condition will not be allowed to refuse to work. If employees who share the same work environment with an employee with AIDS express concerns over their personal health and safety, supervisors must explain that based on guidelines issued by the United States Public Health Service and expert medical opinion, casual contact with a co-worker with AIDS poses no threat of transmission. The Personnel Director will arrange for educational programs as necessary.

Implementation

This policy supplements current Alaska Court System Personnel Rules, administrative procedures, practices and policy. Supervisors and employees are encouraged to avail themselves of related educational opportunities. Should questions arise concerning the intent, implementation or meaning of this policy, contact the Personnel Director.

Dated: _____

Effective Date: _____

Arthur H. Snowden, II
Administrative Director