

EXECUTIVE ORDER NO. 4-86

PROHIBITING DISCRIMINATION ON THE
BASIS OF AIDS IN EMPLOYMENT AND SERVICES

WHEREAS, the medical condition described as acquired immune deficiency syndrome, and commonly known as AIDS, is a deadly disease which has the potential to affect, in one way or another, every segment of the City's population. AIDS was first recognized in 1981 and is now seen as the top priority of the United States Public Health Service;

WHEREAS, the spread of the virus has occurred only through the exchange of certain body fluids, namely blood, blood products, or semen, between individuals. No evidence exists to indicate that the virus can be spread by casual contact. Medical studies of families in which one or more members have been infected with HTLV-III/LAV show no spread of the virus other than through sexual intercourse or from mother to fetus in utero. Medical studies of hospital personnel caring for AIDS patients show no spread of the virus other than through needle sticks. The public health danger presented by the virus and its subsequent manifestations of AIDS-related complex and AIDS is caused by a lengthy asymptomatic period of infection during which an apparently healthy individual may unknowingly spread the disease to others through the exchange of blood products or semen;

WHEREAS, AIDS is primarily in urban areas. In the opinion of the scientific, medical and public health communities, AIDS will continue to increase at a high rate for the foreseeable future;

WHEREAS, AIDS and AIDS-related complex by their nature have created a minority of citizens who are afflicted with a seriously disabling condition whose ultimate outcome is fatal. Individuals infected with the virus represent a significant segment of our population particularly victimized due to the nature of their infection and to the present climate of inadequate and/or inaccurate information and fear in the general population;

WHEREAS, the City of Philadelphia through its officials, managers and employees provides many and varied services;

WHEREAS, persons with AIDS and conditions related to AIDS are faced with discrimination or the potential for discrimination in the utilization of City facilities and services, and in municipal employment. This discrimination cuts across all racial, ethnic and economic lines. Such discrimination poses a substantial threat to the health, safety and welfare of the population of this City. Existing state and federal restraints on such arbitrary discrimination are inadequate to meet the particular problems that this discrimination poses for this City;

WHEREAS, in order to assure that all persons with AIDS or conditions related to AIDS enjoy the full benefits of citizenship, it is desirable for those persons who are employed by the City, or who seek to avail themselves of City services and facilities, to be made aware of their rights as provided by this policy and its vigorous enforcement;

WHEREAS, the Philadelphia Home Rule Charter prohibits discrimination by officers, employees, departments, boards or commissions in the performance of his, her or its duties or in the granting of the use of City property;

WHEREAS, also pursuant to the Philadelphia Home Rule Charter the Commission on Human Relations is designated as the primary agency for the enforcement of prohibitions against discriminatory practices;

NOW THEREFORE, I, W. Wilson Goode, Mayor of the City of Philadelphia, in accordance with Section 3-100 of the Philadelphia Home Rule Charter, do hereby Order as follows:

SECTION 1. Definitions

1. AIDS. Acquired Immune Deficiency Syndrome (AIDS) is the condition which occurs when an individual is infected with the virus known as lymphadenopathy associated virus (LAV) or human T-lymphotropic virus type III (HTLV-III).
2. CONDITION RELATED TO AIDS. Conditions related to AIDS include, but are not limited to, AIDS-related complex (ARC), progressive generalized lymphadenopathy syndrome, and asymptomatic infection with the AIDS virus (presence of antibody to the virus).
3. PERCEPTION OF AIDS. Perception of AIDS shall include any perception, whether real or imaginary, that a person is suffering from AIDS or a condition related to AIDS, or the perception, real or imaginary, that a person is at risk for AIDS or for any of the conditions related to AIDS.

SECTION 2. Duties And Responsibilities

1. All officials, managers and employees shall perform their duties and carry out their responsibilities so as to ensure that all services are provided without regard to the fact that a person has AIDS, has any condition related to AIDS, is perceived to have AIDS or a condition related to AIDS, is perceived to be at risk for contracting AIDS, or associates with person(s) in any of the aforementioned categories.
2. All officials, managers and employees shall perform their duties and carry out their responsibilities so as to ensure that no employee or applicant is discriminated against in hiring, firing, or with respect to tenure, promotions, terms, conditions or privileges of employment or with respect to any matter directly or indirectly related to employment because of the fact that such employee or applicant has AIDS, has any condition related to AIDS, is perceived to have AIDS or a condition related to AIDS, is perceived to be at risk for contracting AIDS, or associates with person(s) in any of the aforementioned categories.
3. No City department, commission, board or agency shall require or request of its employees or applicants, screening for antibody to the AIDS virus. Voluntary and confidential screening may be provided as determined by the Philadelphia Department of Public Health.
4. No City department, commission, board or agency shall require or request of its clients, screening for antibody to the AIDS virus, as a condition for receiving services.
5. All City departments shall establish policies for implementing the non-discrimination provisions of this Executive Order, in cooperation with the Philadelphia Department of Public Health, and consistent with the Centers for Disease Control (CDC) guidelines and recommendations for preventing transmission of infection with the HTLV-III/LAV virus in the workplace.
6. All officials and managers shall take appropriate steps to ensure that all employees under their supervision are aware of this Order and their duties and responsibilities thereunder.

7. Notice shall be given to all employees as to the consequences and possible disciplinary action that may result from a failure to carry out these duties and responsibilities.
8. Brochures or other similar material published for general distribution by any City department, commission, board or agency shall contain a statement of non-discrimination which shall include all of those bases of discrimination listed in paragraphs 1 and 2 (supra).
9. A poster shall be prepared advising the public of the City's policy of non-discrimination in the provision of its services. This poster shall be prominently displayed in areas of City buildings and facilities frequented by the public.

SECTION 3. Training

1. Training and education of employees on the medical issues of AIDS and its transmission will be provided where necessary or desirable, as determined by the Philadelphia Department of Public Health pursuant to Centers for Disease Control (CDC) guidelines and recommendations for preventing transmission of infection with the HTLV-III/LAV virus in the workplace.

SECTION 4. Enforcement

1. The Philadelphia Commission on Human Relations is hereby vested with the authority to administer and enforce this Executive Order.
2. The Commission on Human Relations shall receive complaints from individuals claiming to be aggrieved by policies, practices, and/or actions on the part of officers, employees, departments, boards, commissions, or agencies of the City that may be in violation of the provisions of this Order and shall act on such complaints in accordance with the procedure set forth in Section 9-1107 of the Philadelphia Code, as contained in Chapter 9-1100 entitled "Fair Practices" and the Regulations of the Commission pertaining thereto.

SECTION 5. Effective Date

1. This Order shall be effective immediately.

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Date

W. Wilson Goode

W. Wilson Goode, Mayor