

## State Laws

(Employee retains this section for future reference)

## State Property Accounting – Responsibility

### Texas Government Code § 403.271. Property Accounting System.

- (a) This subchapter applies to:
  - (1) all personal property belonging to the state; and
  - (2) real and personal property acquired by or otherwise under the jurisdiction of the state under 40 U.S.C. Section 483c, 484(j), or 484(k), and Subchapter G, Chapter 2175.
- (b) The comptroller shall administer the property accounting system and maintain centralized records based on information supplied by state agencies and the uniform statewide accounting system. The comptroller shall adopt necessary rules for the implementation of the property accounting system, including setting the dollar value amount for capital assets and authorizing exemptions from reporting.
- (c) The property accounting system shall constitute, to the extent possible, the fixed asset component of the uniform statewide accounting system.
- (d) The comptroller may authorize a state agency to keep property accounting records at the agency's principal office if the agency maintains complete, accurate, and detailed records. When the comptroller makes such a finding, it shall keep summary records of the property held by that agency. The agency shall maintain detailed records in the manner prescribed by the comptroller and shall furnish reports at the time and in the form directed by the comptroller.
- (e) A state agency shall mark and identify state property in its possession. The agency shall follow the rules issued by the comptroller in marking state property.

### Texas Government Code § 403.272. Responsibility for Property Accounting.

- (a) A state agency must comply with this subchapter and maintain the property records required.
- (b) All personal property owned by the state shall be accounted for by the agency that possesses the property. The comptroller shall define personal property by rule for the purposes of this subchapter. In adopting rules, the comptroller shall consider the value of the property, its expected useful life, and the cost of recordkeeping.

### Texas Government Code § 403.273. Property Manager; Property Inventory.

- (a) The head of each state agency is responsible for the custody and care of property in the agency's possession.
- (b) The head of each state agency shall designate a property manager and inform the comptroller of the designation. Subject to comptroller approval, more than one property manager may be designated.
- (c) The property manager of a state agency shall maintain the records required and be the custodian of all property possessed by the agency.
- (d) When a state agency's property is entrusted to a person other than the agency's property manager, the person to whom the property is entrusted shall provide a written receipt to the manager. A state agency may lend its property to another state agency only if the head of the

agency lending the property provides written authorization for the lending. The head of the agency to which the property is lent must execute a written receipt.

- (e) A state agency shall conduct an annual physical inventory of all property in its possession. The comptroller may specify the date on which the inventory must be conducted.
- (f) Not later than the date prescribed by the comptroller, the head of a state agency shall submit to the comptroller:
  - (1) a signed statement describing the methods used to conduct the agency's annual physical inventory under Subsection (e);
  - (2) a copy of the results of the inventory; and
  - (3) any other information concerning the inventory that the comptroller requires.
- (g) At all times, the property records of a state agency must accurately reflect the property possessed by the agency. Property may be deleted from the agency's records only in accordance with rules adopted by the comptroller.
- (h) The state auditor, based on a risk assessment and subject to the legislative audit committee's approval of including the examination in the audit plan under Section 321.013, may periodically examine property records or inventory as necessary to determine if controls are adequate to safeguard state property.

#### **Texas Government Code § 403.274. Change of Agency Head or Property Manager.**

When the head or property manager of a state agency changes, the outgoing head of the agency or property manager shall complete the form required by the comptroller about property in the agency's possession. The outgoing head of the agency or property manager shall deliver the form to the incoming head of the agency or property manager. After verifying the information on and signing the form, the incoming head of the agency or property manager shall submit a copy of the form to the comptroller.

#### **Texas Government Code § 403.275. Liability for Property Loss.**

The liability prescribed by this section may attach on a joint and several basis to more than one person in a particular instance. A person is pecuniarily liable for the loss sustained by the state if:

- (1) agency property disappears, as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care for its safekeeping;
- (2) agency property deteriorates as a result of the failure of the head of an agency, property manager, or agency employee entrusted with the property to exercise reasonable care to maintain and service the property; or
- (3) agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee.

#### **Texas Government Code § 403.276. Reporting to Comptroller and Attorney General.**

- (a) If the head or property manager of a state agency has reasonable cause to believe that any property in the agency's possession has been lost, destroyed, or damaged through the negligence of any state official or employee, the head of the agency or property manager shall report the loss, destruction, or damage to the comptroller and the attorney general not later than the date established by the comptroller. If the head or property manager of a state agency has

reasonable cause to believe that any property in the agency's possession has been stolen, the

head of the agency or property manager shall report the theft to the comptroller, the attorney general, and the appropriate law enforcement agency not later than the date established by the comptroller.

- (b) The attorney general may investigate a report received under Subsection (a).
- (c) If an investigation by the attorney general under Subsection (b) reveals that a property loss has been sustained through the negligence of a state official or employee, the attorney general shall make written demand on the official or employee for reimbursement of the loss.
- (d) If the demand made by the attorney general under Subsection (c) is refused or disregarded, the attorney general may take legal action to recover the value of the property as the attorney general deems necessary.
- (e) Venue for all suits instituted under this section against a state official or employee is in a court of appropriate jurisdiction of Travis County.

**Texas Government Code § 403.277. Failure to Keep Records.**

If a state agency fails to keep the records or fails to take the annual physical inventory required by this subchapter, the comptroller may refuse to draw warrants or initiate electronic funds transfers on behalf of the agency.

**Texas Government Code § 403.278. Transfer of Personal Property.**

- (a) A state agency may transfer any personal property of the state in its possession to another state agency with or without reimbursement between the agencies.
- (b) When personal property in the possession of one state agency is transferred to the possession of another state agency, the transfers must be reported immediately to the comptroller by the transferor and the transferee on the forms prescribed.

## Information Security Policy

### Background

Texas Parks and Wildlife (TPWD) relies heavily on computers to meet its operational, financial, and information requirements. These computer systems, related data files and the information derived from them are important assets of the agency. The increased use of electronic data storage, transmission and related technologies significantly increase the potential for the loss of funds and other assets, and for the misuse of information. These risks can be minimized by compliance with reasonable standards, attention to the proper design and control of automated systems, and sanctions for the violations of policies and procedures.

This document is presented as a high-level policy statement addressing various security issues. Additional information regarding these and other security policies are contained in TPWD's Information Security Policies and Procedures Manual, as well as other security documents identified as supporting documentation.

### Scope

This policy statement applies to the security, integrity, and confidentiality, of data and information obtained, created, or maintained, by TPWD employees. The definition of information includes all computer-related data stored and processed on mainframes, micro and mini computers, and service bureau facilities. A system of internal controls will exist to safeguard these assets. Information will be processed in a secure environment and all employees share the responsibility for the security, integrity, and confidentiality of information. This policy covers both accidental and intentional disclosure of, or damage to, TPWD information.

### Data Ownership and Responsibilities

All agency data and information, whether resident on the mainframe, microcomputers, or any reproduction thereof, are the property of TPWD. Data integrity and security are the responsibilities of the owner, custodian, and the user in accordance with the requirements of this policy, and other established procedures provided by the Information Resources Branch (IR) of the Chief Financial Office (CFO) Division.

*Owner* – The owner of a collection of information is the designated individual responsible for administering the program that uses the information. When a file or database contains information which is administered by more than one owner, a single individual must be appointed to manage the information and act as owner. The designated owner must assure that all owners' concerns are addressed, and that actions which affect the data are coordinated with other owners. The owner of information has the authority and responsibility to:

- (1) Judge the value of the information and classify it.
- (2) Authorize access and assign custody of the information.
- (3) Specify control requirements and communicate them to custodians and users of the information.
- (4) Determine the statutory requirements regarding retention and privacy of the information, and communicate this information to the custodian.

*Custodian* – The custodian of the information is the supplier of automation services which possesses the information under the authorization of the owner. All centralized data that services the agency as a whole, including mainframe and some LAN server resident data, are in the custodianship of Information

Resources. Owners of all other data not identified above must designate custodians. A custodian has the responsibility and authority to:

- (1) Provide physical and technical safeguards.
- (2) Provide procedural guidelines for the users.
- (3) Administer access to information.
- (4) Evaluate the cost-effectiveness of controls.

*User* – The user is any person who has been authorized to read, enter, or update information by the owner of the information. A user of information has the responsibility to:

- (1) Use the information only for the purpose intended by the owner.
- (2) Comply with all controls established by the owner and custodian.
- (3) Ensure that classified or sensitive information is not disclosed to anyone without permission of the owner.
- (4) Ensure that his/her individual identification code(s) and password(s) are not disclosed to, or used by others.

### **Access to Information Resources in the Custody of IR**

*Restricted Information* – Restricted information is defined as computer resident data, or any reproduction thereof, which is considered confidential by either federal or state law, or by policy of the agency. Access to all restricted information resources is requested through the owner of the data and information. Justification of need will be reviewed by the owner of the data and information. Justification of the need will be reviewed by the owner, who will then approve or disapprove the request. If approved, the owner will forward the approval to Information Resources for implementation.

*Unrestricted Information* – Access to unrestricted information (by employees below the Division Director level) must be requested through supervisory channels. If approved by the immediate supervisor, the request will be forwarded to Information Resources for implementation. This is to assure proper identification of the user by the use of unique log-on identification.

Request forms are available from Information Resources.

### **Security Administration**

Mainframe and Network security administration for the headquarters complex is the responsibility of the designated Security Administrators in Information Resources. Microcomputer security is the responsibility of each user of the microcomputer, in accordance with provisions of this policy.

### **Additional Security Requirements and Procedures**

Additional security requirements and procedures not contained within this policy statement are contained in the following documents:

- Information Security Policies and Procedures Manual
- User manuals for in-house development
- LAN user manual
- Microcomputer Acquisition and Support Procedures
- Application Development Methodology Standards Manual
- Mainframe and LAN Backup Procedures
- Disaster Recovery Plan

Employees should read the security procedures in each of these manuals (relevant to their job assignments) before utilizing any information system, equipment, or software. Supervisors are responsible for assuring employees have access to these documents. If additional copies are needed, or if there is a question as to which copies should be available, please call the Help Desk (512/389-4357).

### **Misuse and Enforcement**

Unauthorized use, modification, or disclosure of any agency computer software, hardware, or data is forbidden. Provisions of software license agreements must not be violated.

Penalties for misuse will be in accordance with established Personnel policies, and the provisions of the Texas Computer Crimes Law (Texas Penal Code Title 7, Sections 33.01 - 33.05). A violation of standards, procedures or guidelines established pursuant to this policy shall be presented to the Information Security Team for recommending appropriate action that could result in disciplinary action, including possible dismissal, and/or legal prosecution.

## Information Security Policy

### Texas Penal Code Chapter 33 – Computer Crimes

#### § 33.01. Definitions.

In this chapter:

- (1) "Access" means to approach, instruct, communicate with, store data in, retrieve or intercept data from, alter data or computer software in, or otherwise make use of any resource of a computer, computer network, computer program, or computer system.
- (2) "Aggregate amount" means the amount of:
  - (A) any direct or indirect loss incurred by a victim, including the value of money, property, or service stolen or rendered unrecoverable by the offense; or
  - (B) any expenditure required by the victim to verify that a computer, computer network, computer program, or computer system was not altered, acquired, damaged, deleted, or disrupted by the offense.
- (3) "Communications common carrier" means a person who owns or operates a telephone system in this state that includes equipment or facilities for the conveyance, transmission, or reception of communications and who receives compensation from persons who use that system.
- (4) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device that performs logical, arithmetic, or memory functions by the manipulations of electronic or magnetic impulses and includes all input, output, processing, storage, or communication facilities that are connected or related to the device.
- (5) "Computer network" means the interconnection of two or more computers or computer systems by satellite, microwave, line, or other communication medium with the capability to transmit information among the computers.
- (6) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data or perform specific functions.
- (7) "Computer services" means the product of the use of a computer, the information stored in the computer, or the personnel supporting the computer, including computer time, data processing, and storage functions.
- (8) "Computer system" means any combination of a computer or computer network with the documentation, computer software, or physical facilities supporting the computer or computer network.
- (9) "Computer software" means a set of computer programs, procedures, and associated documentation related to the operation of a computer, computer system, or computer network.
- (10) "Computer virus" means an unwanted computer program or other set of instructions inserted into a computer's memory, operating system, or program that is specifically constructed with the ability to replicate itself or to affect the other programs or files in the computer by attaching a copy of the unwanted program or other set of instructions to one or more computer programs or files.
- (11) "Data" means a representation of information, knowledge, facts, concepts, or instructions that is being prepared or has been prepared in a formalized manner and is intended to be stored or processed, is being stored or processed, or has been stored or processed in a computer. Data may be embodied in any form, including but not limited to computer printouts, magnetic storage media, laser storage media, and punch cards, or may be stored internally in the memory of the computer.
- (12) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

- (A) induced by deception, as defined by Section 31.01, or induced by coercion;
  - (B) given by a person the actor knows is not legally authorized to act for the owner;
  - (C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions;
  - (D) given solely to detect the commission of an offense; or
  - (E) used for a purpose other than that for which the consent was given.
- (13) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.
- (14) "Harm" includes partial or total alteration, damage, or erasure of stored data, interruption of computer services, introduction of a computer virus, or any other loss, disadvantage, or injury that might reasonably be suffered as a result of the actor's conduct.
- (15) "Owner" means a person who:
- (A) has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor;
  - (B) has the right to restrict access to the property; or
  - (C) is the licensee of data or computer software.
- (16) "Property" means:
- (A) tangible or intangible personal property including a computer, computer system, computer network, computer software, or data; or
  - (B) the use of a computer, computer system, computer network, computer software, or data.

### § 33.02. Breach of Computer Security.

- (a) A person commits an offense if the person knowingly accesses a computer, computer network, or computer system without the effective consent of the owner.
- (b) An offense under this section is a Class B misdemeanor unless in committing the offense the actor knowingly obtains a benefit, defrauds or harms another, or alters, damages, or deletes property, in which event the offense is:
  - (1) a Class A misdemeanor if the aggregate amount involved is less than \$1,500;
  - (2) a state jail felony if:
    - (A) the aggregate amount involved is \$1,500 or more but less than \$20,000; or
    - (B) the aggregate amount involved is less than \$1,500 and the defendant has been previously convicted two or more times of an offense under this chapter;
  - (3) a felony of the third degree if the aggregate amount involved is \$20,000 or more but less than \$100,000;
  - (4) a felony of the second degree if the aggregate amount involved is \$100,000 or more but less than \$200,000; or
  - (5) a felony of the first degree if the aggregate amount involved is \$200,000 or more.
- (c) When benefits are obtained, a victim is defrauded or harmed, or property is altered, damaged, or deleted in violation of this section, whether or not in a single incident, the conduct may be considered as one offense and the value of the benefits obtained and of the losses incurred because of the fraud, harm, or alteration, damage, or deletion of property may be aggregated in determining the grade of the offense.
- (d) A person who is subject to prosecution under this section and any other section of this code may be prosecuted under either or both sections.

**§ 33.03. Defenses.**

It is an affirmative defense to prosecution under Section 33.02 that the actor was an officer, employee, or agent of a communications common carrier or electric utility and committed the proscribed act or acts in the course of employment while engaged in an activity that is a necessary incident to the rendition of service or to the protection of the rights or property of the communications common carrier or electric utility.

**§ 33.04. Assistance by Attorney General.**

The attorney general, if requested to do so by a prosecuting attorney, may assist the prosecuting attorney in the investigation or prosecution of an offense under this chapter or of any other offense involving the use of a computer.

## Equal Employment Opportunity is the Law

### Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontractors are protected under the following Federal authorities:

#### Race, Color, Religion, Sex, National Origin

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

#### Individuals with Handicaps

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment qualified individuals with handicaps who, with reasonable accommodation, can perform the essential functions of a job.

#### Vietnam Era and Special Disabled Veterans

38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans and qualified special disabled veterans.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP). Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or call (202) 219-9475 (DOL's toll-free TDD number for individuals with hearing impairments is (800) 326-2577), or an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

### Private Employment, State and Local Governments, Educational Institutions

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under the following Federal laws:

#### Race, Color, Religion, Sex, National Origin

Title VII of the Civil Rights Act of 1964, as amended, prohibits job discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

## **Disability**

The Americans with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment, on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

## **Age**

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.

## **Sex (Wages)**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishments.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under any of the above laws, you immediately should contact:

The U.S. Equal Employment Opportunity Commission (EEOC), 1801 L. Street, N.W., Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000. For individuals with hearing impairments, EEOC's toll free TDD number is (800) 800-3302.

## **Programs or Activities Receiving Federal Financial Assistance**

### **Race, Color, National Origin, Sex**

In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

## Individuals with Handicaps

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of handicap in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against handicapped persons who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any instruction which received Federal assistance, you should contact immediately the Federal agency providing such assistance.

**Equal Employment  
Opportunity is ...**

**Oportunidad Igual  
De Empleo es ...**

<p style="text-align: center;"><b>The Law in Texas</b></p>	<p style="text-align: center;"><b>La Ley en Texas</b></p>
<p>The LAW prohibits employers, employment agencies and labor unions from denying equal employment opportunities in</p> <p><b>hiring</b> <b>promotion</b> <b>discharge</b> <b>pay</b> <b>fringe benefits</b> <b>membership</b> <b>training</b> <b>other aspects of employment</b></p> <p>because of race, color, national origin, religion, sex, age or disability.</p>	<p>La LEY prohíbe a los patrones, agencias de empleo y uniones sindicales negar oportunidad igual de empleo en</p> <p><b>ocupar</b> <b>ascensos</b> <b>desocupar</b> <b>pago</b> <b>beneficios</b> <b>membrecia</b> <b>entrenamiento</b> <b>ostros aspectos el empleo</b></p> <p>por causa de raza, color, nacionalidad, religion, sexo, edad, o incapacidad.</p>

<p>If you believe you have been discriminated against, call or write the Texas Workforce Commission – Civil Rights Division 6330 Hwy. 290 E., Suite 250 Austin, TX 78711 (512) 437-3450 or (512) 371-7473 (TTY)</p>	<p>Si usted cree que ha habido discriminación en su contra, llame o escriba a Texas Workforce Commission – Civil Rights Division 6330 Hwy. 290 E., Suite 250 Austin, TX 78711 (512) 437-3450 or (512) 371-7473 (TTY)</p>
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## Texas Workforce Commission – Civil Rights Division

There is a State law that prohibits employment discrimination. This law covers all personnel decisions that could affect equal employment opportunities for employees or applicants for employment. This State law codifies existing federal laws including Title VII, the Age Discrimination in Employment Act and the Americans with Disabilities Act.

The Texas Workforce Commission – Civil Rights Division enforces this State Law.

Chapter 21, Section 21.010 of the Texas Labor Code states:

- Each employee of a state agency shall attend the training program required by this section NOT LATER THAN the 30th day after the date the employee is hired by the agency and shall attend supplemental training every two years.
- Each state agency shall require an employee of the agency who attends a training program required by this section to sign a statement verifying the employee's attendance at the training program. The agency shall file the statement in the employee's personnel file.

## You Have the Right to Not Remain Silent

### What You Need to Know About the Whistleblower Act

*Government agencies must operate with honesty and integrity. The citizens that these agencies serve expect and demand nothing less. However, sometimes agencies, or employees of an agency, conduct business in a way that is less than honorable. If and when this occurs, employees should be able to report their suspicions of wrongdoing without fear of reprisal or retribution for their actions. When we conduct ourselves with integrity, we all benefit.*

– John Cornyn  
Former Attorney General of Texas

#### Law Protects Whistleblowers

The law known as the "Whistleblower Act" prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental body may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (Tex. Gov't. Code Ann. §554.002 (a) (Vernon 1995).

A public employee who reports a violation of law who...

- was the victim of an adverse personnel action, suspension or termination;
- meets the law's requirements as described below; and
- has initiated all administrative grievance or appeal procedures

... may file suit against a state or local governmental body for damages and/or reinstatement, lost wages, court costs, and legal fees.

#### Before You Sue

Before taking action under the Whistleblower Act, a person must:

- (1) Be a public employee;
- (2) Have reported, in good faith, what was believed to be a violation of a federal or state law, a local government ordinance, or a rule adopted under a law or an ordinance;
- (3) Have reported the violation to an appropriate law enforcement authority;
- (4) Then been suspended, terminated, or adversely affected by any other personnel action for reporting the violation.

#### Who is Considered a Public Employee?

"An employee or appointed officer other than an independent contractor who is paid to perform services for a state or local governmental entity."

A "state governmental body" is:

- Any board, commission, department, office or other agency in the executive branch of the state;
- An institution of higher learning;
- The Legislature or a legislative agency; and
- The Texas Supreme Court, the Court of Criminal Appeals, a court of appeals, a state judicial agency, or the State Bar.

A "local governmental body" is:

- A county;
- A municipality;
- A public school district; and
- A special-purpose district or Authority.

### **What is an "Appropriate" Authority?**

What authority is appropriate depends upon the particular circumstances of each case and is not limited to criminal law enforcement authorities.

The violation should be reported to an authority the employee believes is authorized to regulate under or enforce the law alleged to be violated in the report, or prosecute a violation of criminal law.

### **Initiate Appeals**

Even if the facts of the case satisfy those requirements, a public employee must first "initiate action under the grievance or appeal procedures" of the agency before suing. The employee must invoke the appeal or grievance "not later than the 90th day after the date the alleged violation [of the Whistleblower Act] occurred or was discovered using reasonable diligence."

### **File Suit within 90 Days**

A public employee who files suit under the Whistleblower Act must do so within 90 days of the date on which the retaliatory action occurred or was discovered. The time used for grievance procedures is not counted in computing the 90 days.

Whistleblower suits may be filed in the district court of the county in which the cause of action arises or alternately, a public employee:

- of a state governmental entity may file suite in a district court of Travis County;
- of a local governmental entity may file suit in a district court of any county in the same geographic area that has established a council of governments or other regional commission with the county where the cause of action arises.

Under the law, the Office of the Attorney General cannot file suit to protect the employee's rights – the employee must initiate the action. The Attorney General may, however, file a separate action to recover a statutory \$15,000 penalty if a supervisor is found to be in violation of the Act in the civil lawsuit brought by the employee.

### **Notice Must Be Posted**

The law requires each governmental employer to notify employees of their rights under the act "by posting an appropriately worded sign in a prominent place in the workplace."

For additional copies of this or other public information brochures, or for a copy of a whistleblower poster, please contact:

Office of the Attorney General  
Consumer Protection Division  
P. O. Box 12548  
Austin, Texas 78711-2548  
(512) 463-2185  
1-800-671-0508  
1-800-337-3928

Brochures are also available on the agency's Web site at <http://www.oag.state.tx.us>.

## Injured Employee Rights and Responsibilities Under the Texas Workers' Compensation System

### **NOTICE TO NEW EMPLOYEES**

You may elect to retain your common law right of action if, no later than five days after you begin employment, you notify your employer in writing that you wish to retain your common law right to recover damages for personal injury. If you elect to retain your common law right of action, you cannot obtain workers' compensation income or medical benefits if you are injured.

### **Your Rights in the Texas Workers' Compensation System:**

**1. You have the right to hire an attorney to help you with your workers' compensation claim.**

For assistance locating an attorney, contact the State Bar of Texas' lawyer referral service at 1-877-983-9227 or <http://www.texasbar.com/>. Attorney referral information can also be found on OIEC's website at [www.oiec.texas.gov](http://www.oiec.texas.gov).

**2. You have the right to receive assistance from OIEC if you do not have an attorney.**

OIEC Customer Service Representatives and Ombudsmen are available to answer your questions and provide assistance with your workers' compensation claim by calling OIEC or visiting an OIEC office. You must sign a written authorization before an OIEC employee can access information on your claim. Call or visit an OIEC office to fill out the written authorization. Customer Service Representatives and Ombudsmen are trained in the field of workers' compensation and can help you with scheduling a dispute resolution proceeding about your workers' compensation claim. An Ombudsman can also assist you at a benefit review conference (BRC), contested case hearing (CCH), and an appeal. However, Ombudsmen cannot make decisions for you or give legal advice.

**3. You may have the right to receive medical and income benefits regardless of who was at fault for your injury, with certain exceptions. Your beneficiaries may be entitled to death and burial benefits.**

Information about the exceptions can be found at [www.tdi.texas.gov](http://www.tdi.texas.gov) or by visiting with OIEC staff.

**4. You may have the right to receive medical care to treat your workplace injury or illness for as long as it is medically necessary and related to the workplace injury.**

You may have the right to reimbursement of your incurred expenses after traveling to attend a medical appointment or required medical examination if the trip meets qualifying conditions.

**5. You may have the right to receive income benefits for your work-related injury.**

There are several types of income benefits and eligibility requirements. Information on the types of income benefits that may be available and the eligibility requirements can be found at [www.tdi.texas.gov](http://www.tdi.texas.gov) or by visiting with OIEC staff.

**6. You may have the right to dispute resolution regarding income and medical benefits.**

You may request Medical Dispute Resolution if you disagree with the insurance carrier regarding medical benefits. You may request Indemnity (Income) Dispute Resolution if you disagree with the insurance carrier regarding income benefits. The law provides that your dispute proceedings will be held within 75 miles from your residence.

**7. You have the right to choose a treating doctor.**

If you are in a Workers' Compensation Health Care Network (network), you must choose your doctor from the network's treating doctor list. You may change your treating doctor once without network approval. If you are not in a network, you may initially choose any doctor who is willing to treat your workers' compensation injury; however, changing your treating doctor must be pre-approved by the DWC if you are not in a network. If you are employed by a political subdivision (e.g. city, county, school district,) you must follow its rules for choosing a treating doctor. It is important to follow all the rules in the workers' compensation system. If you do not follow these rules, you may be held responsible for payment of medical bills. OIEC staff can help you to understand these rules.

**8. You have the right for your workers' compensation claim information to be kept confidential.**

In most cases, the contents of your claim file cannot be obtained by others. Some parties have a right to know what is in your claim file, such as your employer or your employer's insurance carrier. Also, an employer that is considering hiring you may get limited information about your claim from DWC.

## Your Responsibilities in the Texas Workers' Compensation System

- 1. You have the responsibility to tell your employer if you have been injured at work while performing the duties of your job.**  
You must tell your employer within 30 days of the date you were injured or first knew your injury or illness might be work-related.
- 2. You have the responsibility to know if you are in a Workers' Compensation Health Care Network (network).**  
If you do not know whether you are in a network, ask the employer you worked for at the time of your injury. If you are in a network, you have the responsibility to follow the network rules. If there is something you do not understand, ask your employer or call OIEC. If you would like to file a complaint about a network, call TDI's Customer Help Line at 1-800-252-3439 or file a complaint online at <http://www.tdi.texas.gov/consumer/complfrm.html#wc>.
- 3. If you worked for a political subdivision (e.g., city, county, school district) at the time of your injury, you have the responsibility to find out how to receive medical treatment.**  
Your employer should be able to provide you with the information you will need in order to determine which health care providers can treat you for your workplace injury.
- 4. You have the responsibility to tell your doctor how you were injured and whether the injury is work-related.**
- 5. You have the responsibility to send a completed Employee's Claim for Compensation for a Work-Related Injury or Occupational Claim Form (DWC041) to DWC.**  
You have one year to send the form after you were injured or first knew that your illness might be work-related. Send the completed DWC041 form even if you already are receiving benefits. You may lose your right to benefits if you do not timely send the completed claim form to DWC. For a copy of the DWC041 form you may contact DWC or OIEC.
- 6. You have the responsibility to provide your current address, telephone number, and employer information to DWC and the insurance carrier. DWC can be contacted at 1-800-252-7031.**
- 7. You have the responsibility to tell DWC and the insurance carrier anytime there is a change in your employment status or wages. (Examples of changes include: you stop working because of your injury; you start working; or you are offered a job).**
- 8. Eligible beneficiaries or persons seeking death and burial benefits have the responsibility to send a completed Beneficiary Claim for Death Benefits (DWC-042) to DWC within one year following the employee's date of death.**
- 9. You are prohibited from making frivolous or fraudulent claims or demands.**

For more information:  
Texas Department of Insurance, Division of Workers' Compensation  
512-804-4000 telephone • [www.tdi.texas.gov](http://www.tdi.texas.gov)

## EMPLOYEE RIGHTS Under The Fair Labor Standards Act

### FEDERAL MINIMUM WAGE \$7.25 PER HOUR BEGINNING JULY 24, 2009

- OVERTIME PAY** At least 1½ times your regular rate of pay for all hours worked over 40 in a workweek.
- CHILD LABOR** An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor.
- Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:
- No more than**
- 3 hours on a school day or 18 hours in a school week;
  - 8 hours on a non-school day or 40 hours in a non-school week.
- Also, work may not begin before 7 a.m. or end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Different rules apply in agricultural employment.
- TIP CREDIT** Employers of “tipped employees” must pay a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employee’s tips combined with the employer’s cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference. Certain other conditions must also be met.
- ENFORCEMENT** The Department of Labor may recover back wages either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.
- Employers may be assessed civil money penalties of up to \$1,100 for each willful or repeated violation of the minimum wage or overtime pay provisions of the law and up to \$11,000 for each employee who is the subject of a violation of the Act’s child labor provisions. In addition, a civil money penalty of up to \$50,000 may be assessed for each child labor violation that causes the death or serious injury of any minor employee, and such assessments may be doubled, up to \$100,000, when the violations are determined to be willful or repeated. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Act.
- ADDITIONAL INFORMATION**
- Certain occupations and establishments are exempt from the minimum wage and/or overtime pay provisions.
  - Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands.
  - Some state laws provide greater employee protections; employers must comply with both.
  - The law requires employers to display this poster where employees can readily see it.
  - Employees under 20 years of age may be paid \$4.25 per hour during their first 90 consecutive calendar days of employment with an employer.
  - Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

For additional information:  
1-866-4-USWAGE  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

## Texas Hazard Communication Act

The Texas Hazard Communication Act (revised 1993), codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

### Hazardous Chemicals

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

### Workplace Chemical List

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

### Employee Education Program

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on measures they can take to protect themselves from those hazards. This training shall be provided as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

### Material Safety Data Sheets

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current material safety data sheets (MSDSs), which detail physical and health hazards and other pertinent information on those chemicals.

### Labels

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use, the contents of which are known to the user.

### Employee Rights

Employees may have rights to:

- access copies of MSDSs;
- information on their chemical exposures;
- receive training on chemical hazards;
- receive appropriate protective equipment; and
- file complaints, assist inspectors, or testify against their employer.

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. Employees may file complaints with the Texas Department of State Health Services at the toll free number provided below.

**EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT.**

Further information may be obtained from:

Texas Department of State Health Services  
Enforcement Unit  
1100 West 49th Street  
Austin, TX 78756  
Phone: (512) 834-6665; 1-800-452-2791  
Fax: (512) 834-6606

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### BASIC FAMILY AND MEDICAL LEAVE ENTITLEMENT

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

### MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service-member during a single 12-month period. A covered servicemember is:

- (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*;
- (2) or a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

### BENEFITS AND PROTECTIONS

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for a covered employer for at least 12 months and have worked 1,250 hours in the previous 12 months.

### DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit

and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **USE OF FAMILY & MEDICAL LEAVE**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **EMPLOYEE RESPONSIBILITIES**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30-day notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **EMPLOYER RESPONSIBILITIES**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **UNLAWFUL ACTS BY EMPLOYERS**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **ENFORCEMENT**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### **For additional information:**

1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
WWW.WAGEHOUR.DOL.GOV

## Initial COBRA Notification Continuation Coverage Rights Under COBRA

### **\*\*VERY IMPORTANT NOTICE\*\***

You are receiving this notice because, as a state employee, you are eligible for health and dental coverage under the Texas Employees Group Benefits Program (GBP). It is important that all covered individuals take the time to read this notice carefully and be familiar with its contents. Under federal, the State of Texas is required to offer GBP employees and family members the opportunity to temporarily extend their health and/or dental coverage at group rates, when coverage under the GBP would otherwise end due to certain qualifying events. This notice is intended to inform you and your covered dependents, if any, of your options and obligations under the continuation coverage provisions of the law.

### **INTRODUCTION**

You are receiving this notice because you have recently become covered under the GBP. This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the GBP. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the GBP when they would otherwise lose their group health coverage.

### **WHAT IS COBRA CONTINUATION COVERAGE?**

COBRA continuation coverage is a continuation of GBP coverage when coverage would otherwise end because of a life event known as a “qualifying event.” Specific qualifying events are listed later in this notice. After a qualifying event, COBRA continuation coverage must be offered to each person who is a “qualified beneficiary.” You, your spouse, and your dependent children could become qualified beneficiaries if coverage under the GBP is lost because of the qualifying event. Under the GBP, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you lose your coverage under the GBP because either one of the following qualifying events happens:

- Your employment ends for any reason other than your gross misconduct (including retirement with less than 10 years of service credit with the Employees Retirement System of Texas (ERS))
- Loss of GBP eligibility due to expiration of coverage following leave without pay
- Loss of GBP eligibility due to reduction of hours

Your spouse and dependent children will become qualified beneficiaries if they lose coverage under the GBP because any of the following qualifying events happens:

- Death of the employee
- Divorce of the employee and covered spouse
- Child turns age 26

## WHEN IS COBRA COVERAGE AVAILABLE?

The GBP will offer COBRA continuation coverage to qualified beneficiaries only after the GBP Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, or death of the employee, the employer must notify Human Resources or ERS of the qualifying event.

### You Must Give Notice of Some Qualifying Events

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify Human Resources or ERS within 60 days after the qualifying event occurs. You must provide this notice to Human Resources at (512) 389-4545 or the Employees Retirement System of Texas (ERS) by calling (877)275-4377. If Human Resources or the ERS is not notified within 60 days, continuation coverage will be forfeited.

## ELECTION PERIOD

Once ERS receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage on behalf of their spouses, and parents may elect COBRA continuation coverage on behalf of their children. The ERS will provide you with a COBRA Election Form and COBRA Notification following the termination of your coverage. You and/or your dependents must formally elect continuation coverage on the form provided and submit the appropriate premium payment within 105 days of the date coverage terminated or the date of notice, whichever is later. You and your dependents will not have coverage after the date coverage terminated until you formally elect continuation coverage and pay all premiums due.

## LENGTH OF CONTINUATION COVERAGE

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, your divorce, or a dependent child's losing eligibility as a dependent child, COBRA continuation coverage lasts for up to a total of 36 months. When the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage for the employee and qualified beneficiaries lasts for only up to a total of 18 months after employment ends. COBRA continuation coverage can be extended in the event of a secondary qualifying event which occurs during the initial 18 months of continuation coverage.

## COST OF CONTINUATION COVERAGE

Persons electing continuation coverage must pay the full premium plus an additional 2% administrative fee. The first premium payment is due within 105 days from the date of the COBRA qualifying event or the date of notice, whichever is later. If you will receive an annuity from ERS, your monthly premium will be automatically deducted from your monthly annuity payment. To ensure that no break in coverage occurs, the first premium payment must include all premiums due retroactive to the first day of the month following the date coverage terminated. Subsequent monthly payments are due on the first of each coverage month and must be postmarked by the U. S. Postal Service within 30 days of the due date. If your payment is late, your coverage will be automatically cancelled retroactive to the last day of the month in which a full payment was received and was not considered delinquent.

## IF YOU HAVE QUESTIONS

Questions concerning your GBP or your COBRA continuation coverage rights should be directed to the Customer Benefits Division of the Employees Retirement System toll-free at (877) 275-4377.

## HIV/AIDS and the Workplace

### What You Should Know about HIV/AIDS and Your Workplace

You may be wondering what HIV and AIDS could have to do with your job and workplace. Well, it depends on the type of work you do. Some people like health care workers, have to deal with HIV and AIDS every day. Most of us, though, don't need to give much thought to HIV or AIDS, when it comes to our jobs. And that makes a lot of sense, because HIV is not spread through the type of casual day-to-day contact that most of us have with other people in our jobs. On the other hand, it does make sense to be familiar with HIV and AIDS for our own personal health, as well as with the situations that might come up at work that do involve HIV and AIDS.

- HIV is the virus that causes AIDS, a disease that destroys a person's immune system.
- There are only a few ways that a person can be infected with HIV – most of which don't involve work related situations.
- It is easy to protect yourself from being infected with HIV, both in your personal life and in workplace setting.

### Some General Information about HIV/AIDS

Acquired immunodeficiency syndrome (AIDS) is the final stage of an infection caused by the human immunodeficiency virus (HIV). HIV attacks the body's immune system, hurting the body's ability to fight off diseases and other infections.

There is no cure for HIV infection or AIDS. There are also no clear symptoms of HIV infection, although some people may have flu-like symptoms for a few days after they are infected with HIV. But, even if an infected person has no symptoms, feels, and looks healthy, he or she can still pass the virus to others.

### How HIV Infection is and is NOT Transmitted from One Person to Another

HIV is found in the following body fluids:

- blood
- semen
- vaginal secretions
- breast milk

HIV is **NOT** spread through the environment; it is a very fragile blood-borne virus. HIV-infected persons do not pose a threat to co-workers or clients during casual, day-to-day activities and contacts. So, you **CANNOT** be infected with HIV through:

- handshakes
- hugs or casual touching
- close working conditions
- telephones, office equipment or furniture
- sinks, toilets, showers
- dishes, utensils or food
- sneezing or coughing
- air
- water
- insects

Because HIV is found in only a few body fluids, there are only a few ways in which a person can come in contact with HIV:

- by having sex, either anal, oral, or vaginal, without the use of a condom;
- by sharing needles, syringes, and other instruments that break the skin, such as tattoo and/or ear/body piercing needles;
- from an HIV-infected mother to her baby during pregnancy, birth, or breast feeding;
- by coming in contact with HIV-infected blood either through an open wound or through a blood transfusion. Risks from transfusions, however, are now very low because of blood-screening, which started in 1985.

### **How HIV/AIDS Affects You and Your Workplace**

As you can see from the above information, most of the behaviors that pass HIV from one person to another do not occur in the workplace. The only way most people in the average workplace could be exposed to HIV would be if they had an open wound and someone else's infected blood entered their body through that broken skin.

### **How to Avoid HIV Infection in the Workplace**

It is easy to avoid being exposed to HIV and other blood-borne diseases by using good personal hygiene and common sense at all times:

- keep broken skin covered with a clean, dry bandage;
- avoid direct contact with blood spills;
- wear gloves to clean spills that contain visible blood; and
- clean blood spills with an appropriate disinfectant or 1:10 solution of freshly mixed household bleach and water. After cleanup, wash hands thoroughly with soap and running water.

(NOTE: The above recommendations are part of the Centers for Disease Control and Prevention's "Precautions for the Prevention of HIV Transmission in Health-Care Settings." Health care workers should consult the recommendations for precautions during specific medical procedures.)

## **Ways to Reduce Your Risk for HIV Infection in Your Personal Life**

It's just as easy to avoid HIV in your personal life as it is at your workplace:

- Do not have sex (abstain).
- Delay having sex until you are in a faithful relationship with one person who you know does not have HIV.
- If you choose not to abstain from sex or to limit sex to one faithful, uninfected partner, then always use a latex condom every time you have sex (oral, anal, or vaginal). If used correctly and every time you have sex, latex condoms can provide protection against HIV and other sexually transmitted diseases.
- If you have a drug habit, do not share needles or syringes. If you can't stop sharing needles/syringes, clean them with bleach and then rinse them with water between every use. Also, do not share any other type of needles, such as tattoo and ear/body piercing needles.

The best thing for your health is to stop using drugs. If you need help to stop using, call the National Drug Abuse Hotline at 1-800-662-HELP.

## **If You Work with Someone Who Has HIV or AIDS**

If you have a cold, flu or other virus, remember that people with HIV or AIDS do not have a healthy immune system. They are more likely to become ill from a virus that a healthy person's body could easily fight.

Remember, too, that people with HIV or AIDS are just like anyone else living with a disease: they need caring, support, and understanding.