



PROTECT YOURSELF! LEARN YOUR RIGHTS!

This brochure is for New Yorkers
living with HIV/AIDS who want to
know how to:

AVOID HIV DISCRIMINATION

PROTECT THEIR PRIVACY

OVERCOME CRIMINAL RECORD

DISCRIMINATION

GET ACCESS TO SUBSTANCE

USE TREATMENT

GET SUPPORT FOR THEIR FAMILIES

FREQUENTLY ASKED QUESTIONS

HIV & EMPLOYMENT

Q. Is it illegal for an employer to deny me a job because I am HIV-positive?

A. Generally, yes. If you are qualified for the job, it is illegal for employers to deny you the job or treat you differently because you have HIV or AIDS. HIV & AIDS are considered “disabilities” under laws that make it illegal to discriminate against people with disabilities. This is true even for most health care jobs.

Q. Is it legal for an employer to ask my HIV status when I apply for a job?

A. Not before offering the job. Before a job offer, it is illegal to ask if you have any “disability,” including HIV or AIDS. Employers also may not ask about your medications because that could reveal your HIV status. But it is legal for employers to ask whether you have a physical or mental condition that might make you unable to do the job. It is also legal to make you take a drug test.

Q. I just got a job offer and have to get a medical exam. What if the doctor asks if I have HIV?

A. After making a job offer that is conditioned on passing a medical exam or completing a medical form, employers may require a medical exam/form and ask about your HIV status. However, they must ask the same questions of everyone offered that position. It is illegal to deny you the job because of your HIV status if you are medically fit to work.

CRIMINAL RECORDS & EMPLOYMENT

Q. How can I find a job with my criminal record?

A. You can do many things to improve your chances. Get your rap sheet and correct any mistakes. Get Certificates of Relief from Disability or Good Conduct. Be ready to show how you have been rehabilitated.

Q. Is it legal for employers to deny me a job or fire me because of my criminal record?

A. It depends. It is legal to deny employment because of a criminal record only if your convictions are “directly related” to the job, or hiring you would create an “unreasonable risk” to people or property. It is against the law for an employer to refuse to hire anyone with a criminal record.



Do you want to learn more
about the following?

HIV CONFIDENTIALITY & TESTING
DISCRIMINATION DUE TO HIV STATUS OR
ALCOHOLISM/DRUG ADDICTION
EMPLOYMENT & HIV
STANDBY GUARDIANSHIP FOR YOUR CHILDREN
HEALTH CARE PROXIES & LIVING WILLS
CRIMINAL RECORD BARRIERS
SUPPORT FOR FAMILIES

We can help!

HOW TO GET HELP

If you are living with or affected by HIV/AIDS in New York, you may speak with **Legal Action Center's** legal staff (and social workers through our partnership with The Family Center). Providers may call too!

**PLEASE CALL (212) 243-1313
MONDAY THROUGH FRIDAY
9 AM TO 5 PM**

Email: lacinfo@lac.org

Visit us on the web: www.lac.org

INITIAL INTAKE IS BY PHONE ONLY

For answers to common questions about HIV in the workplace, confidentiality, and more, please read lac.org/faqs.

Looking for publications on these topics? Please visit our Resources: lac.org/resources/hivaids-resources.

**“SHOULD I TELL MY EMPLOYER
THAT I AM HIV-POSITIVE?”**


**“DOES MY CHILD’S SCHOOL HAVE
A RIGHT TO KNOW HE HAS AIDS?”**

**“WHAT CAN I DO IF MY FRIEND POSTS
MY HIV STATUS ON FACEBOOK?”**

**“DO I NEED TO DISCLOSE MY STATUS
ON MEDICAL FORMS FOR WORK?”**

**“I HAVE A FELONY. IS THERE EVEN
ANY POINT IN LOOKING FOR WORK?”**

**“HOW CAN I GET A CERTIFICATE
OF RELIEF FROM DISABILITIES?”**



THE LEGAL ACTION CENTER (LAC) is a non-profit, legal and policy organization that works on issues involving criminal records, alcohol/drug addiction, and HIV/AIDS. LAC’s partner, The Family Center, helps families plan for a stable and sustainable future. LAC’s services are funded with the generous support of the New York State Department of Health, AIDS Institute.