

## Human Resources H1N1 Flu Q & A Revised September 10, 2009



Use these questions and answers as a guide, as they may not cover all situations. Refer to policy or collective bargaining agreement provisions for applicability. Contact your agency's human resource staff, safety manager or DAS Human Resource Services Division (HRSD) with questions not addressed here.

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### **General Information**

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- Q1. There is so much information available on this topic. Where should I look to find the recommended guidance for state agencies?
- A1. DAS H1N1 Flu Information:  
<http://www.oregon.gov/DAS/HR/flu.shtml>
- DHS Public Health:  
<http://www.flu.oregon.gov/>
- Q2. What is the pandemic H1N1 flu?
- A2. A pandemic is the affect of a disease or virus occurring over a wide geographic area and affecting an exceptionally high proportion of the population. The Pandemic H1N1 flu (originally referred to as swine flu) is a respiratory disease caused by a type 'A' influenza virus. Human cases of pandemic H1N1 flu started showing up in the U.S. in late March 2009, and quickly spread throughout the country and the world. In June 2009, the World Health Organization (WHO) declared the new virus a pandemic.
- Q3. What are the symptoms?
- A3. Symptoms are similar to seasonal flu and may include:
- Fever (temperature of 100° F or 37.8 °C or higher)
  - Sore throat
  - Cough
  - Stuffy nose
  - Chills
  - Headache and body aches
  - Fatigue
  - Some people have reported diarrhea and vomiting

### **Wellness Information**

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- Q4. What can I do to prevent or limit my exposure?
- A4. Follow the recommendations of the State Public Health Director:

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- Wash your hands often with soap and water often, especially after you cough or sneeze. Alcohol-based hand cleaners also are effective.
- Cover your coughs and sneezes with a tissue or your sleeve, not with your hand.
- Stay home if you are sick. (Refer to policy and collective bargaining agreements on leave usage.)
- Try to avoid contact with people who are ill.
- Practice other good health habits such as eating a balanced diet, exercising regularly, getting sufficient rest and not smoking.
- Keep your desk area clean.

Q5. Where are flu shot clinics being held for state employees and other covered individuals?

A5. The Public Employees' Benefit Board (PEBB) Web site provides an up-to-date list of flu shot clinics:

<http://www.oregon.gov/DAS/PEBB/flushots.shtml>

Q6. What other actions can I take to stay well?

A6. Check out the following links for tips to help you stay well, courtesy of PEBB:

- [Fitness](#)
- [Mind and Body Health](#)
- [Managing Your Health](#)
- [Nutrition and Food Safety](#)

Employees who have candy on their desk may consider individually wrapped candy or using a utensil when sharing with others.

**HR Management**

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Q7. What policies or collective bargaining agreement provisions apply in the case of a pandemic?

A7. Agencies will operate according to normal policy and procedures, state HR policies, rules and collective bargaining agreements, except in the event of a declared state of emergency by the Governor or a Public Health Advisory issued by the State Public Health Director. In the event of a declared emergency by the Governor, additional instruction will be provided by the State Public Health Director and/or DAS, as applicable.

Q8. An employee comes to work and exhibits flu-type symptoms, what options are available to an employee?

A8. DHS Public Health recommends that employees who are sick stay home. If an employee exhibits flu-type symptoms at work, the employee may voluntarily discuss their options under policy or collective bargaining agreements with their manager. Managers should consult with the agency human resource office and safety manager, as

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applicable. Options may include but are not limited to,

- the employee may choose to go home and use sick leave, or with prior supervisory approval, use other accrued leaves or leave without pay; or
- telework, if applicable. An agency's management will determine if telework is acceptable.

Q9. Can an employee who exhibits flu-type symptoms be required to go home until they are well, if the employee does not go voluntarily?

A9. Yes, an employee may be required to go home if management has a reasonable suspicion that an employee is ill and their illness may affect the health or safety of others. Managers should consult with the agency human resource office and safety manager, as applicable, under policy or collective bargaining agreements before directing an employee to leave the workplace. Management may discuss health-related issues with an employee out of business necessity. This information should be considered confidential under the ADA; the manager must keep the information undisclosed to the extent possible. If a manager observes an employee not feeling well, the manager may inquire, "Are you feeling OK?" We do not recommend asking an employee what is specifically wrong.

Sample conversation with an employee that a manager observes sneezing and coughing a lot:

Manager: Are you feeling OK?  
Employee: Yeah, it's just allergies, lots of pollen flying around right now.  
Manager: Do you need to go home?  
Employee: No, I'm fine.  
Manager: Please let me know if you feel like you need to go home.  
You have plenty of accrued sick leave on the books. Take care of yourself.  
Employee: Will do.

Q10. What leave does an employee use when management sends an employee home?

A10. An employee uses sick leave, or with prior supervisory approval, other accrued leaves or leave without pay.

Q11. How long should an employee stay away from work after exhibiting flu-like symptoms?

A11. It is recommended by the State Public Health Director that employees stay home for at least 24 hours after being free of fever.

Q12. My child's school or child care closes and I have to stay home with my child who is not ill, what type of leave do I use?

A12. With prior supervisory approval, use other accrued leaves or leave without pay. Refer to policies and collective bargaining agreements on leave usage.

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Q13. What if an employee needs to stay home to care for an ill child but the employee does not have accrued leave?

A13. Follow normal policies and collective bargaining agreement provisions. The manager may approve leave without pay.

Q14. Is the pandemic H1N1 flu considered a 'serious health condition' under Oregon Family Leave Act (OFLA) or Family and Medical Leave Act (FMLA)?

A14. Treat the flu like any other illness. Pandemic H1N1 flu can be a qualifying event if it meets the serious health condition criteria (for example, absence plus treatment, or in-patient hospitalization). Follow the procedures under the State HR Policy 60.000.15, Family and Medical Leave and collective bargaining agreement provisions, to ensure compliance with OFLA and FMLA.

Q15. Can a doctor's certification be required before an employee returns to work?

A15. Depending on the circumstance, a medical certification may be requested. If the illness is a FMLA/OFLA qualifying event, follow the normal processes in policy and collective bargaining agreements.

Q16. If an employee needs to miss work to care for someone with the flu (not a child, spouse, or other person allowable under 'sick leave' policy and collective bargaining agreements), what leave do they use?

A16. The employee may request, with prior supervisory approval, use other accrued leaves or leave without pay. Refer to policies and collective bargaining agreements on leave usage. An agency's management will determine if telework is acceptable.

**Workplace Environment**

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Q17. If employee 'A' comes to work ill and employee 'B' is concerned about getting sick from being exposed to employee 'A', what options does employee 'B' have?

A17. This situation does not excuse an employee from performing their assigned duties. Managers should consult with the agency human resource office and safety manager, as applicable, to discuss employee options under policy or collective bargaining agreements. Options for Employee 'B' may include but are not limited to:

- At management's discretion and where acceptable, telework may be appropriate.
- With prior supervisory approval, use other accrued leaves or leave without pay. Refer to policies and collective bargaining agreements on leave usage.

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Q18. An employee works in a direct public contact position. The employee is reluctant to come to work for fear of exposure from the public. What options are available to the employee?

A18. Managers should consult with the agency human resource office and safety manager, as applicable, to discuss employee options under policy or collective bargaining agreements. In addition, an employee may use hand sanitizer or wipes and be allowed to clean their work area. These measures may help the employee feel comfortable in the performance of his or her duties.

Options may include but are not limited to:

- the employee may choose to go home and with prior supervisory approval, use other accrued leaves or leave without pay; or
- telework, if applicable. An agency's management will determine if telework is acceptable.

Q19. Is an agency required to purchase masks or hand sanitizer for employees?

A19. No. However, an agency may supply tissues and hand sanitizer in common areas such as lobbies, break rooms, conference rooms, restrooms, etc.

DAS owned or maintained buildings will be supplied soap and paper towels, as required by code, in restrooms and break rooms.

**Staff Redeployment**

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Q20. My agency has so many absences that I need to re-deploy staff to other operations in the agency. By what authority can I re-deploy staff?

A20. Management has the right to assign and re-assign work based on operating needs of the agency. See applicable collective bargaining agreements concerning "management rights."

Q21. If I have so many absences my agency is not able to continue mission-critical functions, what options do I have as an agency?

A21. Review your agency Business Continuity Plan or Continuity of Operations Plan (COOP) on how to re-deploy internally in your agency.

Things to consider:

- Classification level
- Transferable knowledge and skills of employees
- Length of assignment
- Other position requirements such as licenses or certifications
- Criminal background check criteria

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Q22. An agency has exhausted their internal process of re-deployment. Where should an agency turn for assistance?

A22. Once an agency has exhausted its internal BCP or COOP process, contact DAS-HRSD for assistance in re-deployment of staff between agencies.

**Office Closures**

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Q23. Who decides if an agency should close and under what circumstances?

A23. Agency directors may contact Robert Salinas the Safety, Health and Wellness Manager at Department of Human Services for consultation on whether or not closure of an agency or office is recommended.

Robert's contact information is (503) 945-6380 or cell (503) 269-4002.

Be prepared to describe all of the facts concerning your agency's specific circumstances.

Facts should include but are not limited to:

- Numbers of employees that are ill and out of the office
- Number of employees confirmed with H1N1
- Duration of illness
- Location of agency or office

DHS will not make the determination to close an agency; this decision lies with the agency director.

Q24. If an agency closes, does the agency pay its employees or do the employees use accrued leave?

A24. If the agency closes, follow the matrix attached to State HR Policy 60.015.01 Temporary Interruption of Employment for guidance on leave usage.

Example: If an agency decides to close an office and send employees home, as recommended by DHS, the agency pays the employees for the remainder of their shift for that day. If the office remains closed for additional days, the employee's FLSA designation determines whether they use accrued leave.

Q25. In general, should an agency cancel discretionary functions, such as public outreach events?

A25. This is an agency decision. Follow the recommendations of the Public Health Division. For consultation call Robert Salinas, the Safety, Health and Wellness Manager at Department of Human Services. Robert's contact information is (503) 945-6380 or cell (503) 269-4002.

**Travel**

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Q26. If an employee gets the flu while on business travel (i.e. the employee is unable to fulfill the purpose of travel or must stay in place additional days), will the agency pay his or her per diem and lodging?

A26. Yes in accordance with normal agency policies, statewide travel policies and applicable collective bargaining agreement provisions, the agency will continue to pay per diem and lodging.

Q27. If an employee is on travel status and becomes ill, how should the employee code their timesheet?

A27. While ill, the employee uses sick leave, or with prior supervisory approval, other accrued leaves or leave without pay.

If the employee is well enough to work, telework may be an option. The employee should discuss this option with their manager. The manager will determine if telework is acceptable. The employee codes all time worked during their shift as regular time.

Q28. If an employee is on travel status and his or her flight is cancelled or delayed due to a public health declaration during their normal work hours, will the agency pay his or her per diem and lodging?

A28. Yes, according to statewide travel policies the agency will continue to pay per diem and lodging.

Telework, during their normal work shift, may be an option. The employee should discuss this option with their manager. The manager will determine if telework is acceptable.