

Pandemic Influenza Planning

FAQ's for Management Staff from Human Resources

May 12, 2009

Issues Related to the Management of a Department:

1. What are my responsibilities as a manager?

Answer: As a manager you will have two primary areas of responsibility:

1) Before the Emergency - Departmental Planning

- a. Determine which services, if any, performed by your department must be continued in the event of the pandemic emergency including a campus closing. Managers should consult with their chain of command in making such determinations. You may have already done this as part of your campus' general emergency preparedness planning that you may use in inclement weather situations. (Examples of essential services that may need to remain open during a pandemic related closing could include residence halls and food service should any students have to remain on campus, receiving staff to support residence halls and food service operations, certain HR and payroll staff should a payroll need to be run during the period of the campus closing.)
- b. Once a determination has been made regarding essential services, you must then determine which employees will be necessary to work in the event of a campus closing or adjusted services. Consideration should be given to who will be available to work and whether or not individual circumstances could prevent a person normally designated as "essential personnel" from working. Extra pay may be available for essential personnel when appropriate and within budgetary constraints. Managers may elect to identify essential personnel and then categorize them according to who will be expected to respond first. For example, "Category 1 essential personnel" may be those who would be asked to perform essential duties during a campus closing. "Category 2 personnel" would then be those who have been cross trained and can be called on if a Category 1 employee is unable to work during the emergency. These should be employees who can provide the same duties normally provided by a person in Category 1. It is important for managers to have back-up personnel identified in the event the primary staff cannot perform the duties.
- c. It is strongly recommended that managers go through this decision making process now – before the real emergency – and document your plan and inform those employees that you have designated as "essential personnel."

2) During the Emergency –

- a. Determine nature of situation – if campus closing, this could involve need for service continuity; if not a campus closing, this could simply mean ensuring continuation of operations while also providing flexibility to employees, i.e. altering work schedules, approving leave, etc.
- b. Notify essential personnel of operational needs/plans.

Serve as an employee resource regarding leave policies, alternative schedules, who constitutes essential personnel, identifying back up staff for essential personnel unable to work, etc. Please make sure you review the FAQs for USG employees.

Issues Related to Employee Health/Absences:

1. What is the suggested protocol on “well-being checks” to check on the condition of employees who do not show up, have not called, and cannot be contacted?

There is no System-wide “well-being check” policy. In the event of a pandemic, it is expected that institutions maintain their established attendance policies.

Attendance policies generally require that an employee advises his/her supervisor prior to the beginning of his/her shift of an unplanned absence and provide status reports during the course of an absence. If sick leave is claimed for a continuous period in excess of one week, a physician’s statement is required to permit further claim of sick leave rights by the employee-patient.

http://www.usg.edu/employment/policies/hr_manual/away_from_work/index.phtml#sick_leave

Some institutions may vary on the amount of time sick leave that must pass in order to present a physician’s statement.

2. Will the existing USG leave policies still apply in the event of a pandemic situation?

Yes, institutions should maintain their existing departmental absence policies during a pandemic situation. Employees will continue to be responsible for complying with the established work schedule and existing absence reporting policy. If, due to circumstances outside of the employee’s control, he/she is unable to comply with departmental policy, management should work with their local HR office to evaluate the extenuating circumstances, and move forward with contingency planning as appropriate.

In the event that a healthy employee wishes to stay home to avoid exposure, he/she is still expected to comply with the existing policy regarding annual leave, which is BOR Policy 802.07.01, Miscellaneous Leave <http://www.usg.edu/regents/policymanual/800.phtml>. The employee should act in accordance with existing procedure by requesting time off from his/her supervisor. To be considered an authorized absence, the time off must be approved by the supervisor in advance.

3. Can I send employees home if I have a reasonable belief that they are sick?

Yes. During a pandemic emergency, each institution will expect its managers and employees to exercise good judgment. Employees may be instructed to not come to work if sick. This is to help manage and minimize risk to other employees and/or students. Therefore, if an employee comes to work and the manager has a concern that they are actually ill, the manager may ask that you go home for the employee’s own protection and

to avoid the possibility of infecting others. In a situation such as this, cooperation with such a reasonable request would be expected. However, until a diagnosis is obtained, you may need to use administrative leave with pay for that employee.

With respect to making a good faith judgment call as to whether an employee may be ill, managers should use the appropriate guidelines from the Centers for Disease Control ([CDC](#)) and the Student Health Center (if applicable) as information becomes available.

4. May we require an employee who claims to be out with a pandemic-related illness to provide a doctor's note or remain symptom-free for a specified amount of time before returning to work?

The answer is yes, but always consult with your Human Resources department on this matter. It should be taken into consideration that during an epidemic, healthcare resources may be overwhelmed and it may be difficult for employees to get appointments with doctors or other healthcare providers to verify they are well or no longer contagious.

During a pandemic health crisis, a campus would be allowed to require a doctor's note or time period during which an employee has been symptom free, before it allows the employee to return to work. Specifically, a campus may require the above actions of an employee where it has a reasonable belief, based on objective evidence that employee's present medical condition would:

- Impair his/her ability to perform **essential job functions** with or without reasonable accommodation; and
- Pose a **direct threat** (i.e. significant risk of substantial harm that cannot be reduced or eliminated without reasonable accommodation) to safety in the workplace.

5. Due to privacy issues, can we ask people why they are sick (i.e. flu-related)?

Medically related information is protected; supervisors and managers should not ask employees to disclose employees' health information. Instead, employees should supply medically-related absence information to the Human Resources Department prior to returning to work.

6. Will mental health counsel be available for employees?

This depends on whether or not your institution has an Employee Assistance Program. Employees may access mental health services as covered under the medical plan.

Issues related to employees working/being paid during a closure:

1. If units are shut down, but some positions need to be staffed, and there are more available employees than open positions, how do we prioritize who is permitted to work?

This question cannot be answered definitively. An important component of each department's pandemic operational preparedness planning process is to identify its essential functions and the essential personnel required to carry them out. In the event of a health emergency, management has the right to schedule work and assign work duties to employees while balancing operational needs, consistent with the employee's job description. Managers have the discretion to reassign an employee's job duties as deemed necessary and explore alternate arrangements in order to ensure that essential operations continue.

2. Can we allow employees to work from home? Are there issues we should consider?

Managers may consider allowing alternate work arrangements including working at home by assessing their operational needs. In fact, it may be prudent for the department and the employee to work together to find ways to enable employees to perform their job functions while away from the central work location, assuming it is feasible, based on their duties and responsibilities.

Human Resources departments may assist managers in evaluating the issues when considering approving alternate work arrangements. Managers should refer to the information relating to alternate work arrangements within the Human Resources Administrative Practice Manual (HRAP):

http://www.usg.edu/employment/policies/hr_manual/policies/index.phtml#telework_policy

In the event your campus has a specific Telework policy in place, management should refer to the institution-specific policy. Even if your existing Telework policy does not allow non-exempt employees to telework, in the event of a pandemic, you may consider adding flexibility into this policy during times of crisis.

It is important to note that the telecommuter's at-home work area is an extension of his/her Office work space. Injuries occurring in the work place during work hours are covered under Workers' Compensation, just as an injury would be if it occurred at the central work location. The telecommuter should be instructed to notify the supervisor immediately in the event of an injury or accident. The supervisor shall, upon being made aware of it, follow the institutions Worker's Compensation Policy.

3. What would happen to employee's pay if they have no sick leave or vacation leave available?

Board of Regents Policy 802.07.07, Miscellaneous Leave, under Other Leave states: "In the event of inclement weather or any emergency which requires leaves of absence of employees, the president of a System institution may declare leave with or without pay (BR Minutes, 1992-93, p. 135)."

<http://www.usg.edu/regents/policymanual/800.phtml>

In some cases, an institution president may decide that employees should use sick leave in the event of a closure. The employee may choose to use his/her annual leave to cover the absences if he/she does not have sick leave available; however, the employee cannot be forced to use annual leave to cover his/her absences if sent home. If the employee chooses not to use annual leave to cover the absence and he/she has no sick leave available, the leave shall be without pay.

If your institution has a Shared Leave policy, check with your Human Resources department to see if there is any flexibility with this policy during catastrophic times. The System-wide Shared Leave Policy can be found in the HRAP:

http://www.usg.edu/employment/policies/hr_manual/away_from_work/index.phtml#shared_sick_leave.

In the event your campus has its own specific Shared Leave Policy, please consult that policy.

4. If the campus or certain departments are closed, how long will employees be paid? If closed, can units who are self-supporting continue to pay employees longer than its campus if funds are available, or pay them for a longer period of time?

Should this occur, the campus will receive direction from the Office of the President. Decisions regarding paid administrative leave should be covered by established Departmental Business Continuity plans, if applicable.

Issues related to employee contact lists:

1. Is it advisable to ask for contact information when employees are out on annual or sick leave? Can it be required (for emergency purposes only)?

Yes. If during the department's pandemic planning it is determined that certain employees responsible for performing essential functions (otherwise known as essential personnel) need to be contacted during periods they may not be scheduled to work, it is advisable to request their contact information. Such information may include personal telephone numbers, cellular phone numbers, fax numbers, e-mail addresses, etc. Additionally, it is advisable to have contact information for all personnel in case a department or unit is directly affected by a pandemic and other employees need to be notified.

2. Can we legally require employees to provide a contact number?

Yes.

3. Can we require employees to provide contact information when traveling on business?

Yes- if there is a business need to do so.

Issues Related to BOR BC/BS Employee Health Insurance:

1. What information is available to employees from BC/BS in the event of Pandemic Flu?

BC/BS will provide members with coverage information, within the scope of their specific benefit plan, for medically necessary care, including antiviral medications. They will keep members and providers informed about the pandemic through resources available on the website.

2. What medications and tests are covered?

The Board of Regents Plan covers Relenza and Tamiflu anti-viral medications. Lab testing for the H1N1 virus is a covered procedure.

3. Are there any exceptions?

BC/BS will comply with state and federal regulatory guidelines for care, including those that override plan benefit language.

4. What else can be expected from BC/BS?

BC/BS will expand current 24-hour phone access capabilities to serve as a clearinghouse for members, providers, employers, and others seeking information, support, and/or referral to appropriate resources. They will also extend access to and capacity of customer service operations, including the 24 hour nurse line.