

Frequently Asked Questions (FAQs) Concerning the 2009 H1N1 Influenza Guidance for Managers and Supervisors

UC Berkeley continues to monitor the international outbreak of the 2009 H1N1 Influenza and prepare for the possibility that it may significantly impact our campus during the 2009-10 academic year. This guidance provides recommendations to Managers and Supervisors in addressing concerns related to the 2009 H1N1 Influenza.

If an employee becomes sick with influenza-like illness, the employee should consult with his/her health care provider and follow their guidance. The response to a public health emergency such as an influenza pandemic will be directed by federal, state, and local health agencies. It is the responsibility of the University to act in accordance with all applicable public health directives. The University's guidance, policies, and regulations cannot conflict with public health orders for the control of the 2009 H1N1 Influenza.

If any employment actions are taken as a result of an influenza outbreak, such as requiring that employees not come to work, such actions must be consistent with federal and state laws prohibiting discrimination in the workplace.

QUESTIONS/ANSWERS RELATED TO EMPLOYEES

1. What should managers and supervisors communicate to their employees concerning the 2009 H1N1 Influenza?

The Centers for Disease Control and Prevention (CDC) recommends that everyone be informed of the precautionary measures they can take to stay healthy. Managers and supervisors should advise their staff to do the following:

- Cover nose and mouth with a tissue when coughing or sneezing. Throw the tissue in the trash after its use;
- Wash hands often with soap and water, especially after coughing or sneezing;
- Avoid touching eyes, nose or mouth;
- Try to avoid close contact with sick people;
- Stay home from work and limit contact with others to keep from infecting them.

For additional information concerning the 2009 H1N1 Influenza, visit the CDC website at <http://www.cdc.gov/h1n1flu/qa.htm> or the Health & Human Services (HHS) website at <http://www.flu.gov>.

2. What are the signs and symptoms of the 2009 H1N1 Influenza?

The CDC lists the symptoms of 2009 H1N1 Influenza as, "a fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue." Some people may have vomiting and diarrhea. Others may be infected with the flu and have respiratory symptoms without a fever. For

more information on the symptoms of the 2009 H1N1 Influenza, please see <http://www.cdc.gov/flu/symptoms.htm>.

3. What steps should be taken if an employee becomes ill with influenza-like symptoms?

The CDC recommends that sick employees at work should be asked to go home. Advising such workers to go home is not a disability related question if the illness is akin to seasonal influenza. The action would be permitted under the Americans with Disabilities Act (ADA) if the illness were serious enough to pose a direct threat to self and others. For more information on staying home while sick, please visit www.cdc.gov/h1n1flu/guidance/exclusion.htm.

Workers who appear to have an influenza-like illness upon arrival to the campus or become ill during the work day should be separated from other workers and advised to go home until at least 24 hours after they are free of fever ($T \geq 100^{\circ} \text{F} / 37.8^{\circ} \text{C}$) and free of signs of fever without the use of fever reducing medications such as Tylenol or ibuprofen. For more information on the CDC's guidance to employers on assisting staff with flu-like symptoms, please see <http://www.cdc.gov/h1n1flu/business/guidance/>.

The EEOC also has guidelines on pandemic preparedness which permit employers to take measures when the influenza season is classified as a "pandemic" or a global epidemic. These additional measures include:

- Requiring infection control practices such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal; and
- Asking employees who call in sick to their workplace if they are experiencing flu like symptoms such as fever or chills and a cough or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

For more information on privacy issues related to the flu season and the ADA, please refer to: http://www.flu.gov/faq/workplace_questions/equal_employment/index.html#PrivacyIssues. For more information on the EEOC's recommendations during a flu pandemic, please see www.eeoc.gov/facts/pandemic_flu.html.

4. Are there additional steps that managers and supervisors can take to prepare for an outbreak of the 2009 H1N1 Influenza?:

There are a number of steps recommended by the CDC for employers to take in response to the 2009 H1N1 Influenza this year. These include:

- Advising employees to be alert to any signs of fever or other signs of influenza-like illness before reporting to work;
- Encouraging sick employees to stay home until at least 24 hours after they are free of fever ($T \geq 100^{\circ} \text{F} / 37.8^{\circ} \text{C}$) and free of signs of fever without the use of fever reducing medications such as Tylenol or ibuprofen;

Removing barriers to staff staying home when they are ill or caring for an ill family member such as telecommuting or flexible work arrangements. For more information on flexible work arrangements, please see <http://www.uhs.berkeley.edu/worklife/>.

- Permitting high-risk staff to stay home when flu is spreading in the community;
- Discouraging attendance at campus events by ill persons where large groups of people may be brought together; and
- Encouraging hand hygiene and respiratory etiquette of both people who are well and those that have any symptoms of flu.

For more guidance to employers on responding to the 2009 H1N1 Influenza, please see <http://www.cdc.gov/h1n1flu/business/guidance/> or <http://www.cdc.gov/h1n1flu/guidance/exclusion.htm>.

5. Should managers and supervisors encourage their staff to receive the 2009 H1N1 Influenza vaccine?

Yes. Supervisors and managers should encourage employees to talk with their health care providers about being vaccinated. This season, there is a flu vaccine to protect against seasonal flu viruses and a 2009 H1N1 Influenza vaccine. According to the CDC, a flu vaccine is the first and most important step in protecting against flu infection and employers should encourage employees to get vaccinated for seasonal influenza. Different groups are prioritized for the 2009 H1N1 Influenza than for seasonal influenza. For information on groups prioritized for seasonal influenza vaccines, please see <http://www.cdc.gov/flu/protect/keyfacts.htm>.



For information about the 2009 H1N1 Influenza vaccine, visit [H1N1 Flu Vaccination Resources](#). For information about seasonal influenza vaccines, visit [Preventing Seasonal Flu With Vaccination](#).

6. Is there any other information to help managers and supervisors carry out their responsibilities during the flu season?

Yes. Supervisors and managers should familiarize themselves with their individual campus plan, systemwide policies and local implementing procedures, collective bargaining agreement provisions regarding leave, compensation, catastrophic leave sharing, and alternative work arrangements. Employee and labor relations staff are also available to assist. As part of any planning effort, managers and supervisors should make information available to employees concerning the common-sense steps employees can take to protect themselves and help prevent the spread of flu in the workplace. This information can be found at http://oep.berkeley.edu/campus_disaster_response/documents/PandemicEOP.pdf.

Managers and supervisors should also keep themselves informed of the latest public health information released by the CDC and plan in advance for the possibility of increased employee absences. It would be prudent for managers and supervisors to determine in advance whether it would be feasible for employees to work at home when they are not sick themselves but need to stay away from the workplace in order to care for a sick family member.

7. What should employees who get sick do?

For information about what employees can do if they get sick with flu-like symptoms this season, see [What To Do If You Get Sick: 2009 H1N1 and Seasonal Flu](#). A [downloadable flyer](#)  containing this information also is available at http://www.cdc.gov/flu/freeresources/2009-10/pdf/what_to_do_if_you_get_sick.pdf .

8. Must the University grant leave to an employee who is sick with the 2009 H1N1 Influenza?

Yes. Departments should use the University's sick leave policy and other applicable leave policies and collective bargaining provisions to provide leave time to employees sick with the 2009 H1N1 Influenza.

Employees who appear to the supervisor to have flu-like symptoms but refuse to leave the workplace because they have exhausted their sick leave have the following options:

- Telecommuting for individuals whose work allows
- Use of a catastrophic leave pool if one could be identified for a temporary period
- Leave Without Pay

In exceptional situations, please contact central Human Resources for further guidance.

9. Must the University allow parents or caregivers time off from work to care for sick family members?

Yes. Under UC policy and various collective bargaining agreements, an employee may use up to 30 days of accrued sick leave to care for ill family members. If an employee has no accrued time off, the employee may be granted unpaid time off to care for an ill family member. Applicable policies and collective bargaining agreement provisions should be consulted.

Additionally, the employee may be entitled to leave under the FMLA and the CFRA. FMLA and CFRA entitle eligible employees to take up to 12 workweeks of unpaid, job-protected leave in a calendar year to care for certain family members with a serious health condition. At the University, this group includes the employee's spouse or domestic partner, parents, and children. Influenza-like illness may qualify as a "serious health condition" where complications arise. University employees may be permitted and/or required to substitute paid leave in certain circumstances, depending on the applicable policy or collective bargaining agreement.

If the family member who is sick is the employee's parent, spouse, same- or opposite-sex domestic partner, child(ren) (including the child of a same- or opposite-sex domestic partner), brother, sister, grandparent, grandchildren, father-in-law, mother-in-law, son-in-law, daughter-in-law, or step-relatives; or any other person for whom the employee has a personal obligation who is residing in the employee's household; the employee may use up to 30 days (shifts for Printing Trades) of accrued sick leave in the calendar year to care for the family member even if the

illness is not a “serious health condition.” As always, check the Sick Leave article in the applicable collective bargaining agreement or PPSM Policy 42, Sick Leave, for details.

10. May the University allow parents time off from work to care for healthy children whose schools may have closed due to the outbreak?

Yes. Under University policies and collective bargaining agreements, employees may be able to use vacation or other accrued time off or take unpaid personal leave to care for healthy children whose schools or day care centers have been closed under such circumstances. Applicable policies and collective bargaining agreement provisions should be consulted.

11. Does the FMLA or CFRA entitle an employee to take leave to avoid getting the 2009 H1N1 Influenza?

No. The FMLA and CFRA entitle employees to job-protected leave when they have a serious health condition or when they need leave to care for covered family members who have a serious health condition. Leave for the purpose of avoiding exposure to the flu would not be protected under the FMLA or CFRA.

12. May the University require an employee who is out sick with the 2009 H1N1 Influenza to provide a certification from a health care provider before returning to work?

Yes. Under UC policy and the relevant collective bargaining agreements, supervisors may ask employees who were absent for a doctor’s note to document their illness. However, the CDC recommends eliminating the request for a doctor’s note because medical offices may be extremely busy and unable to provide such documentation in a timely way.

13. May the University prohibit an employee from coming to work if the employee is known to have the 2009 H1N1 Influenza?

Yes. The University is obligated to provide a safe workplace and may take necessary and reasonable steps to minimize health risks for its employees, such as requiring that employees not come to work if they have the 2009 H1N1 Influenza. If an employee has had very close contact (for example lives in the same household) with a person with active influenza-like illness, the employee should be told to watch carefully for symptoms of fever, such as cough, sore throat, or runny nose, and to stay home if influenza-like illness symptoms develop or go home immediately if influenza-like illness symptoms occur at work. See Department of Public Health Interim Guidance for Employers and Employees on Novel Influenza ‘A’ (H1N1) Virus http://www.cdph.ca.gov/HealthInfo/discond/Documents/CDPH_Interim_Guidance_H1N1Flu_Employers_Employees.pdf

14. Do the same leave policies apply to represented and non-represented employees?

Leaves for represented employees are generally governed by the applicable collective bargaining agreements whereas leaves for unrepresented employees are governed by University policy. Managers and supervisors should therefore consult and comply with the collective bargaining agreement provisions regarding leaves and/or University leave policies that may apply to their employees.

15. Does the foregoing advice also apply to academic employees?

Yes. However, managers and supervisors should refer to the Academic Personnel Manual to determine applicable leave policies for the various categories of academic employees.

16. If a child exhibits influenza-like symptoms, may a University-affiliated child care center refuse services to the child?

Yes. Some campuses operate centers for the care of the children of faculty and/or students.

California Child Care Center General Licensing Requirements require that these centers inspect all arriving children for signs of sickness. The center must not accept into its care any child exhibiting obvious symptoms of illness including, but not limited to, fever or vomiting.”

The CDC and the DPH recommend that students, teachers, and staff who appear to have an influenza like illness at arrival or who become ill during the school day be promptly isolated from other students and teachers until they can be picked up. Parents and guardians should be reminded to monitor their children for symptoms of influenza-like illness and advised that children who are sick should stay home. Likewise, teachers and staff should be reminded to stay home when sick. Ill students should not attend alternative childcare or congregate in settings other than school. Childcare facilities that close their operations should also cancel childcare-related gatherings and encourage parents to avoid congregating with their children at home or in other places. For more information on guidance to child care centers during the flu season, please see <http://www.cdc.gov/h1n1flu/childcare/guidance.htm>.

17. Where can I go for more resources?

Additional website links can be found online at:

- www.flu.gov, a one-stop access to U.S. Government 2009 H1N1 flu, avian and pandemic flu information
- <http://www.uhs.berkeley.edu/home/news/H1N1.shtml> for influenza resources and FAQs;
- <http://www.cdc.gov/h1n1flu/pdf/keyfacts.pdf> for key facts from the CDC about the H1N1 flu.