

H1N1: Frequently Asked Questions for Managers

- 1. What kinds of information should be conveyed to employees to prepare them for the issues that are likely to be of concern to them should a pandemic occur? What is the best way to communicate this information?**

Communicating good hygiene and infection control practices will help keep your workforce healthy. It is recommended that you share materials that educate employees on the fundamentals of pandemic influenza (e.g., symptoms of influenza, modes of transmission), as well as personal and family response strategies (e.g., hand hygiene, coughing/sneezing etiquette, contingency plans); which can be found at the Tulane Flu Task Force website at <http://www.sph.tulane.edu/flu/index.htm> as well as the Tulane Student Health Center's website at <http://www.tulane.edu/~health/> ..

- 2. Should Managers encourage employees to obtain seasonal flu vaccines?**

Yes -- although a flu vaccine won't protect against pandemic influenza, flu shots can help individuals stay healthy. Providing employees with educational information on the benefits of flu vaccines and posting this information in the workplace will also serve as a reminder to employees to get their shots.

- 3. Must an employer grant leave to an employee who is caring for a family member that is sick?**

An employee who is sick or whose family members are sick **may** be entitled to leave under the Family Medical Leave Act (FMLA). WFMO encourages all employees absent for more than five days to complete FMLA paperwork.

- 4. Can managers send an employee home if he/she displays signs of pandemic influenza?**

Managers should encourage all employees that are sick to stay home to prevent the spread of the flu. In addition, if there is reason to believe the employee is sick or has been exposed to the flu, then the manager may send the employee home. Employees should stay home if they have flu or a flu-like illness for at least 24 hours after they no longer have a fever.

- 5. During an influenza pandemic, can an employee refuse to come to work, travel, or perform other job duties because of a belief that by doing so he or she would be placed at increased risk of catching pandemic influenza?**

The circumstances under which employees have a right to refuse to work are very limited. Employees are not protected for simply walking off the job, and may be subject to discipline.

- 6. Can an employee be required to perform work that is outside of the employee's job description?**

Yes. The Fair Labor Standards Act (FLSA) does not limit the types of work employees age 18 and older may be required to perform. This is true whether or not the work asked of the employee is listed in the employee's job description. As part of your pre-pandemic planning, you may want to consult WFMO if you expect to assign employees work outside of their job description during an influenza pandemic.

- 7. When communicating with employees before, during, or after a pandemic, are there restrictions on the type of information that can be shared?**

Note that under the [Americans with Disabilities Act](#)¹ (ADA), employers are required to keep employees'

medical information (e.g., information about the nature of an employee's illness) **confidential** (i.e., maintained on a separate form and in a separate medical file). Business information regarding the status of an employee may be circulated to sustain operations so long as that information does not disclose confidential medical information about the employee. For example, a business could communicate, for the purpose of business continuity, that an employee is not currently at work and that the employee may be out office for several weeks.

8. May a manager require an employee who is out sick with pandemic influenza to provide a doctor's note, submit to a medical exam, or remain symptom-free for a specified amount of time before returning to work?

No. Healthcare resources may be overwhelmed and it may be difficult for employees to get appointments with doctors or other health care providers to verify they are well or no longer contagious. Therefore we are not recommending that a doctor's note be required in an effort to encourage sick employees to stay home and prevent the spread of disease.

Note: If you are ever in doubt about any employee issue, please contact WFMO at (504) 865-5628.