

## Sample Model Pandemic Flu Policy

### Purpose

[EMPLOYER] strives to provide a safe and healthy workplace for all employees. This pandemic flu policy outlines our overall response to a pandemic flu outbreak and our emergency-preparedness and business continuity plan. It outlines specific steps [EMPLOYER] takes to safeguard employees' health and well-being during a flu pandemic while ensuring [EMPLOYER]'s ability to maintain essential operations and continue providing essential services to our customers. In addition, it provides guidance on how we intend to respond to specific operational and human resource issues in the event of a pandemic.

### Pandemic Flu Defined

According to the federal Centers for Disease Control, the Occupational Safety and Health Administration, and other organizations that monitor public health threats, influenza or flu is caused by a variety of influenza A viruses. These viruses can cause different diseases: avian (or bird) flu, H1N1 (swine flu), pandemic influenza, and seasonal flu.

Pandemic influenza can occur when mutating flu viruses become transmissible to humans, who generally lack any natural immunity to fight off the viruses' adverse health effects. Because infected humans are so contagious, they become the primary vehicle for pandemic influenza's spread. The more humans who become contagious, the more widespread the disease becomes and the more rapid the spread is. Generally, pandemic influenza occurs in waves, with each new group of infected people in turn infecting others. Each such wave of infection can last as long as eight weeks, resulting in steadily increasing numbers of infections, and the disease itself can take 12 months to 18 months to run its course through the population. Subsequently, the viruses sparking pandemic influenza "settle" and thereafter can cause a type of seasonal flu (also known as "human flu") that produces the symptoms and illness many of us experience during annual "flu season."

Pandemic influenza poses the most serious global threats to public health and our economy. It conceivably can cost billions of dollars in productivity losses resulting from absenteeism, payouts of sick leave or workers' compensation, and lost sales; disrupt transportation and communication services on which we all depend; and impede delivery of necessary goods and services. Inability to predict when such a disease might strike and with what severity makes it incumbent on [EMPLOYER] to consider how our business might be affected and to articulate what needs to be done to respond to an outbreak.

## Identification of Essential Personnel

[EMPLOYER] has identified and designated as essential personnel certain employees whose jobs are vitally important to our continued operation in emergencies. We expect only designated essential personnel to be available for work during an influenza pandemic. We acknowledge, however, that even essential personnel might become ill and unavailable to work or not be able to reach our worksite because of conditions beyond their own or our control. Consequently, [EMPLOYER] and its subsidiaries, affiliates, and industry partners have devised and agreed on back-up arrangements under which designated personnel in locations outside our respective areas are trained and equipped to fulfill the duties of unavailable essential employees. In addition, we have equipped our most essential personnel with all the resources, including computers, cell phones, and back-up generators, that essential employees need to work remotely during emergencies.

*{NOTE: If you are including this section, you should also provide a list of essential personnel to all managers and employees as well as outside parties with a need to know}.*

## Remote Work Locations

[EMPLOYER] acknowledges that during an influenza pandemic, local, state, or federal authorities might prohibit or severely curtail individuals' access to and use of public services and public transportation; close or prevent access to buildings or public highways; isolate or quarantine buildings' occupants; and prevent inter- or intrastate delivery of goods and services. We cannot predict and have no control over such authorities' actions and acknowledge our legal duty to comply with outside authorities' directives.

We are prepared to continue key “bare bones” operations from a number of remote work locations, including essential employees' home offices. We have installed at all remote work locations all the equipment necessary for off-site telecommuting operations. In addition, we have designated a secure Web site through which essential personnel can communicate with each other and outside authorities.

## Infection-Control Measures

[EMPLOYER] takes a number of steps to minimize to the extent practicable exposure to and spread of infection in the workplace, which is an ideal site for contagion because of workers' close proximity to one another. As appropriate, [EMPLOYER] recommends measures that employees can take to protect themselves outside the workplace and encourages all workers to discuss their specific needs with a family physician or other appropriate health or wellness professional.

**Ill employees:** [EMPLOYER] expects employees who contract the flu or have been exposed to infected family members or others with whom employees have been in contact to stay home

and seek medical attention as necessary and appropriate. [EMPLOYER] expects such workers to notify us as soon as possible of exposure or illness, using our secure telephone hotline, which channels calls to our emergency-response call center.

At our discretion or the direction of outside authorities, we can require the isolation and quarantine in our on-site clinic of any infected employees who come to work despite exposure or need for medical attention.

**Vaccinations:** [EMPLOYER] requires all essential personnel to maintain up-to-date vaccinations and to obtain annual [EMPLOYER]-paid flu shots, if available and not medically contraindicated. We require essential personnel to certify that they have obtained the necessary inoculations and to maintain a copy of that certification, which must be provided at our request.

[EMPLOYER] is entitled under our state's Pandemic and Emergency Health Preparedness Act to receive from health care providers medical information created as a result of employment-related health care services, such as inoculations, provided to employees at [EMPLOYER]'s specific request and expense when such information is needed to process insurance claims. We maintain the confidentiality of all such employee medical information.

**Mandatory employee training:** All employees are at risk of exposure to flu viruses, both in and outside the workplace; therefore, [EMPLOYER] requires all employees to attend initial or refresher training annually in September to become informed about what to do when a flu outbreak occurs.

Training, which is customized for our business and conducted by a panel of outside experts and representatives from our Training, Risk Management, and Plant and Facilities sections, addresses information summarized in this document and, more specifically, such issues as availability of flu shots; symptoms and health effects of influenza, treatment, and sources to contact for appropriate medical care; steps to take if exposure is suspected; company representatives to whom to report known or suspected exposures, and procedures for reporting exposure to co-workers, family members, friends, or others who are ill with flu; proper use of [EMPLOYER]-provided personal-protection equipment; proper hygiene in the workplace and at home; and communications. Training includes role-plays based on scenarios developed to test employees' understanding of [EMPLOYER]'s planned emergency response. Supervisors and HR are responsible for recording and maintaining documentation on every employee's participation in required training.

**Personal-protection equipment:** [EMPLOYER] maintains on site adequate supplies of recommended personal-protection equipment, such as face masks, eye protection, rubber gloves, and anti-bacterial hand gels and wipes, which [EMPLOYER] can require workers to use. We urge all employees to speak with their personal physician about types and proper use of personal-protection equipment in the home.

**On-site clinic:** [EMPLOYER]'s fully equipped on-site health clinic is staffed at all times by full-time, [EMPLOYER]-paid medical professionals who are trained to respond to workplace medical emergencies and are familiar with all protocols to be followed during an influenza pandemic.

**On-site cafeteria:** [EMPLOYER] has no control over the independently owned and operated cafeteria in our building; however, [EMPLOYER] strongly advises employees who are working on site during an influenza pandemic to avoid purchases of foods whose sanitary preparation cannot be verified and certified.

**Facilities maintenance:** [EMPLOYER]'s Plant and Facilities manager regularly inspects the workplace for signs of heating, air conditioning, or other equipment in need of replacement or repair. [EMPLOYER]'s Plant and Facilities staff coordinate closely with [EMPLOYER]'s cleaning and waste-removal contractors to maintain our physical plant in top condition. [EMPLOYER] approves the installation or use wherever possible of improved equipment or cleaning methods to guard against the spread of infection in the workplace.

### **Employee Leave and Pay**

In the event of pandemic influenza, [EMPLOYER] grants all nonessential personnel immediate administrative leave. [EMPLOYER] pays workers on administrative leave a reduced salary, and continues such reduced salary for one-week periods up to a maximum of six weeks. *(NOTE: This sample policy is based on what many larger employers are doing and may not be economically feasible in your company. While it is generally recommended that employers be as generous as they can to protect infected employees and those employees asked not to work to stop the spread of the virus from severe economic loss, the employee leave and pay is at the employer's discretion).*

[EMPLOYER] monitors emergency conditions daily to determine how long administrative leave must continue and, following consultation with outside authorities, advises employees when to expect to return to work.

[EMPLOYER]'s established emergency-response fund to which [EMPLOYER] allocates a portion of annual revenues is one source on which [EMPLOYER] draws to pay employees on administrative leave. Each year, [EMPLOYER]'s board of directors sets the portion of revenues to be allocated to the emergency-response fund.

**Family and medical leave:** If applicable, [EMPLOYER] places on family and medical leave any workers who fall ill with flu or must be absent from work to care for an infected family member. [EMPLOYER] requires such employees to notify [EMPLOYER] as soon as possible of need for family and medical leave. [EMPLOYER] allows employees to use accrued paid annual and sick leave in lieu of unpaid family and medical leave. [EMPLOYER] requires employees to take unpaid family and medical leave once all accrued paid leave is used.

[EMPLOYER] requires all employees to certify that they have received, read, and fully understand [EMPLOYER]'s family and medical leave policy and its use in a flu outbreak. (See [EMPLOYER]'s related Family and Medical Leave Policy.)

### **Business Travel**

[EMPLOYER] makes all reasonable efforts to eliminate the need for travel by taking advantage of technology that allows us to communicate or otherwise operate electronically. Generally, in the event of an influenza pandemic, travel on [EMPLOYER]'s behalf is immediately suspended and limited to a select group of essential personnel who have obtained required travel authorizations from [EMPLOYER] and, if necessary, outside authorities. Essential personnel or other employees traveling anywhere on [EMPLOYER]'s behalf and exposed to avian flu or pandemic influenza are eligible for workers' compensation benefits. (See description of [EMPLOYER]'s workers' compensation benefits.)

### **Emergency-Contact Information**

Employees are required to notify their immediate supervisor and Human Resources of any change in emergency-contact information within two weeks of the change. When providing such information, employees, especially those who have children or care for elderly relatives, should identify individuals on whom they can depend if the employees themselves become sick at work and must be isolated and quarantined in [EMPLOYER]'s on-site clinic.

Human Resources verifies employees' emergency contact information twice a year, in January and July. HR conducts this verification process electronically. Supervisors are required to maintain in the workplace and at home an up-to-date emergency-contact list for their unit or department.

**Special needs and accommodations:** [EMPLOYER] is required by law to notify first-responders about employees with medical conditions that could be compromised because of an influenza pandemic. [EMPLOYER] urges such employees to confidentially self-identify to Human Resources so that we are aware of and can prepare for you to receive any special medical expertise you might require if you become severely ill on the job. Human Resources maintains the confidentiality of any information you provide, making it available solely on a need-to-know basis and only when needed by emergency-responders.

## **Communications**

**Outside authorities:** [EMPLOYER] and its Emergency Operations Team partner with local, state, and federal emergency-response and health agencies to ensure legal compliance with emergency-response protocols to which [EMPLOYER] is subject and to coordinate efforts to maintain safety and security in and outside the workplace.

In the event of a conflict between directives issued by [EMPLOYER] and directives issued by local, state, or federal authorities, such as the federal Department of Homeland Security, [EMPLOYER] directs all employees to obey all orders issued under local, state, or federal law.

**Action escalation:** [EMPLOYER]'s Emergency Operations Team, which is responsible for ensuring our company's ability to continue operating in emergencies, has devised a system under which essential personnel can be directed to take specific actions at a specific time based on a series of alerts (“Warning”, for example, or “Full Shutdown”) that take into account the seriousness of conditions at hand. [EMPLOYER] trains all essential personnel in the use and understanding of this communications system.

**Call center:** [EMPLOYER]'s remote emergency-response call center is activated in the earliest stages of a serious flu outbreak. Employees are instructed to call this center, using [EMPLOYER]'s secure hotline number, for pre-recorded messages and assistance from live operators.

[EMPLOYER] provides separate secure hotlines for communications with customers, suppliers, vendors, and government officials. [EMPLOYER] communicates information about these hotlines via its dedicated Web site.

**Dedicated Web site:** [EMPLOYER] maintains a secure (password-protected) Web site, [provide url], that is devoted to pandemic flu issues generally and to [EMPLOYER]'s responses specifically. You will find on this easily navigable site a copy of this document; easy-to-understand descriptions of influenza viruses and their health effects; hygiene factsheets; recommended infection-control protocols for home, workplace, and travel; copies of [EMPLOYER]'s core travel, leave, pay, benefits continuation, health and safety, and workers' compensation insurance policies; our roster of essential personnel; contact information for [EMPLOYER]'s Emergency Operations Team, as well as key company officials available to you in an emergency; and numerous links to local hospitals, first-responders, government emergency-response agencies (for example, Centers for Disease Control and Prevention), and local, state, and federal public health and safety organizations offering information that you and your family can use to protect yourselves. Along with [EMPLOYER]'s secure emergency-information hotline, this site is your one-stop source of information on what to do, when, and how in the event of an influenza pandemic in our area.

If you have a question to which you cannot find an answer on this Web site, please use the “Ask Us” facility on the site or submit your question by e-mail. Your question will be directed to the appropriate person, who is required to reply, in a non-crisis situation, within three days. If appropriate, your question and the answer, if not confidential and likely to be helpful to other employees, will be posted to the FAQ section of our Web site one day after your receipt of the response. [EMPLOYER] has designated a specific company representative to staff “Ask Us” in a crisis; however, you should be aware that [EMPLOYER]'s ability to maintain this service could be compromised during a crisis.



With assistance from HR and designated representatives from our Risk Management/Safety and Security, and Plant Facilities departments, [EMPLOYER]'s Webmaster and selected IT staff maintain and update this site regularly. [EMPLOYER] expects all employees to know how to access this site and to become familiar with the site's wide range of information, some of which is downloaded and distributed periodically in emergency-information packets mailed to every employee's home.

In addition to being listed above, the url for our Web site is printed on all [EMPLOYER] communications related to pandemic flu, informational posters found throughout the workplace, and a laminated Pandemic Flu Resources list that your supervisor is required to distribute to you. Printed in the form of a bookmark, the Resources list is intended to be posted at your workstation near your telephone. Feel free to ask your supervisor for additional copies to keep at home.

**Other media channels:** In an emergency, [EMPLOYER] consults with outside authorities to coordinate dissemination of instructions or other important information as quickly as possible to all employees. [EMPLOYER] communicates with employees via [EMPLOYER]'s secure emergency-information hotline and dedicated Web site, local radio and television stations, and secure Web sites of industry partners and affiliates. (See the section below titled Pandemic Flu Resources List for information on these media and how to reach them.)

### **Pandemic Flu Resources List**

[EMPLOYER] maintains a list of the names, telephone numbers, and Web addresses of key [EMPLOYER] representatives and designated essential personnel who are available to answer your questions about Pandemic Flu: [EMPLOYER] Guidance and Actions. Your immediate supervisor, who is required to attend regular information and training sessions on [EMPLOYER]'s emergency-response and business-continuity planning and preparedness initiatives, as well as designated representatives of our subsidiaries, affiliates, suppliers, and industry partners, are directed to distribute up-to-date copies of this list, as well as any additional related information or guidance employees, suppliers, vendors, or customers might need.

The categorized list of key internal and external contacts and all appropriate media through which [EMPLOYER] communicates with employees also is available on our dedicated Web site. When updated, a new copy of the list is mailed to each employee's home.

### **Employee Assistance Program Services**

[EMPLOYER]'s employee assistance program (EAP) services remain available to you to the extent practicable and reasonable during an influenza outbreak. [EMPLOYER] has contracted with our EAP provider to make available to you a team of crisis-management specialists with medical backgrounds. Our provider partners with [EMPLOYER] and local authorities as appropriate to ensure the reasonable availability and continued provision of critical information (such as where to go to obtain medical assistance for yourself or ill family members), respite





care, use of personal-protection equipment, psychological and emotional support during a pandemic, including assistance and support following the death of an infected family member.

Contact information for our EAP is maintained on our dedicated Web site, published on posters throughout the workplace, and included in information packets mailed to every employee's home.

### **Availability of Business Continuity Plan**

[EMPLOYER]'s Emergency Preparedness and Business-Continuity Plan is the result of many hours of discussion and planning with industry partners, public health experts, and other appropriate parties. [EMPLOYER] regularly reviews and shares this plan (and any updates to the plan) with [EMPLOYER]'s affiliates and industry partners, insurers, designated first-responders, local health care facilities, and local, state, and federal government authorities, all of whom play a role in ensuring your safety and well-being in an emergency. In addition, [EMPLOYER] regularly tests implementation of the plan.

[EMPLOYER] makes available on written request printed copies of [EMPLOYER]'s complete Emergency Preparedness and Business-Continuity Plan, which includes the foregoing summary of [EMPLOYER]'s response to an influenza pandemic.

