

29 Sep 09

INFORMATION PAPER

SUBJECT: TRADOC Department of Army Civilian Employees H1N1 Information Paper

1. **Purpose.** To provide information on TRADOC Department of Army civilian employee personnel guidance regarding H1N1.

2. **Facts.**

a. Commanders' and supervisors' responsibilities concerning TRADOC Department of Army civilian employees:

(1) Commanders should ensure military and civilian supervisors are aware of actions of permissible and impermissible actions concerning TRADOC Department of Army civilian employees.

(2) Contact the servicing Civilian Personnel Advisory Center (CPAC) for applicability of programs for H1N1 and flu contingency plans (e.g. telework). Identify short term situational telework arrangements for employees whose duties can be performed from their residences. Coordinate with appropriate offices to address safety and information technology implications.

(3) Discuss H1N1 plans with union officials if employees are represented. Contact the servicing CPAC for assistance and guidance on meeting your labor relations obligations.

(4) Ensure TRADOC Department of Army civilian employees are aware of leave and telework provisions, prevention measures and readiness plans.

(5) Apply normal leave provisions. Sick and annual leave may be used for personal medical care, family medical care, bereavement and exposure to a communicable disease. Supervisors may grant sick leave when supported by administratively acceptable evidence. This may include self certification. If employees have insufficient leave, coordinate with your servicing CPAC on procedures for advanced sick or annual leave.

(6) Encourage TRADOC Department of Army civilian employees to use accrued leave when they exhibit flu-like symptoms. Allow use of other paid time off such as compensatory time or earned credit hours.

(7) Identify essential functions that are critical and high priority.

(8) Identify alternate personnel to assume supervisory responsibilities as well as identify back up capability for ill employees.

SUBJECT: TRADOC Department of Army Civilian Employees H1N1 Information Paper

(9) Ensure emergency contact lists are up to date. Recommend that employees update their emergency contact information at My Biz, www.cpol.army.mil, to enable notification of potential exposure.

(10) Reduce face to face meetings, non-essential travel, and unnecessary visitors to the workplace.

b. Supervisors may not:

(1) Use excused absence (administrative leave) as a substitute for sick or annual leave. However, if an ill employee refuses to use accrued leave or leave without pay, the employee may be placed on administrative leave. The supervisor should consult the CPAC on procedures to place an employee on enforced leave. Enforced leave normally requires due process including advance notice and an opportunity to respond.

(2) Disregard employee privacy interests. An infected employee's right to privacy should be protected to the greatest extent possible while balancing the rights of co-workers. Actions taken to mitigate the spread of illness can be provided without disclosing information related to a specific employee.

(3) Require a medical examination unless the position occupied by the employee contains established physical or medical requirements. Requiring a medical examination based only on perception of an employee's flu-like symptoms is impermissible. Additionally, there is no authority to perform diagnostic testing, such as taking an employee's temperature to confirm suspicions of H1N1 flu.

(4) Grant sick leave to an employee who refuses to report to work because they are afraid of contracting the flu from co-workers. Annual leave may be approved.

(5) Grant sick leave to provide care for a healthy child, even if schools or child care facilities are closed because of the H1N1/flu outbreak. Annual leave may be approved.

(6) Require an employee to take leave or stay away from the workplace based on suspicion only. It must be based on facts.

Prepared by: Ruth Sharp/ATBO-C/5229
Approved by: Barbara Harmon