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# Board of Supervisors Memorandum

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October 20, 2009

## PROPOSED BOARD OF SUPERVISORS POLICY

### Attendance Policy During Pandemic Influenza Outbreak

#### Discussion

Pandemic influenza refers to a worldwide outbreak of influenza among people when a new strain of the virus emerges that has the ability to infect humans and to spread from person to person. During the early phases of a pandemic influenza, people might not have any natural immunity to the new strain; so the disease would spread rapidly among the population. Pandemic can vary in severity from something like a bad flu season to an especially severe influenza pandemic that could lead to high levels of illness, death, social disruption and economic loss. In order to protect the health and safety of our employees, temporary attendance procedures are recommended for employees who exhibit flu symptoms during a pandemic influenza outbreak. Numerous jurisdictions and employers nationwide and locally have adopted similar policies to address a possible outbreak and exigency situations. Input to this policy was requested from Elected Officials and Appointing Authorities to include the Health Department. This submission includes comments received.

#### Action

I strongly recommend that the Board of Supervisors adopt these changes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. H. Huckelberry", is written over the typed name and title.

C. H. Huckelberry  
County Administrator

Attachment

10/07/09 chh/gh



## PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

**Subject:**

**ATTENDANCE POLICY DURING PANDEMIC INFLUENZA OUTBREAK**

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**Background**

Pandemic influenza refers to a worldwide outbreak of influenza among people when a new strain of the virus emerges that has the ability to infect humans and to spread from person to person. During the early phases of a pandemic influenza, people might not have any natural immunity to the new strain; so the disease would spread rapidly among the population. Pandemics can vary in severity from something that seems simply like a bad flu season to an especially severe influenza pandemic that could lead to high levels of illness, death, social disruption and economic loss.

**Policy**

In order to aid in protecting the health and safety of our employees, Pima County has adopted the following temporary attendance procedures specific to employees who exhibit flu symptoms during a pandemic influenza outbreak. Due to the highly contagious nature of the pandemic influenza virus and its similarity in symptoms to seasonal flu, anyone displaying flu-like symptoms will be treated the same under this policy. Except where temporarily modified by this policy, all procedures governing paid and unpaid leave remain in effect and are governed by the Pima County Personnel Policies. During pandemic situations, the County Administrator is granted authority to direct the Human Resources to grant other unforeseen waivers as the need arises.

It is the policy of the Board of Supervisors that:

- A. Employees, volunteers, interns, and contractors exhibiting the following symptoms must **NOT** come to work. Common symptoms of the flu are:

Fever greater than 38° C or 100.4° F combined with one or more of the following:

1. Cough
  2. Sore throat
  3. Runny and stuffy nose
  4. Muscle aches
  5. Headache
  6. Chills
  7. Unusual fatigue
  8. Nausea, vomiting and diarrhea.
- B. Employees must notify their immediate supervisor or authorized department representative if they are ill. Departments may establish alternate call-in procedures in the case of a pandemic.
- C. Employees must stay home and minimize human contact if they are sick with flu-like illness until at least 24 hours after they are free of fever without the use of fever reducing medicines. Healthcare workers need to stay out seven (7) days after onset of symptoms or 24 hours after the last symptom is gone, whichever is longer.

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- D. Appointing Authorities, managers and supervisors have the responsibility to ensure the workplace is safe, and as a result, have the authority to send home employees who display flu symptoms. Based on the above and to avoid further contaminating the work place, an employee must leave work when directed to do so by the Appointing Authority or designee. Failure to do so, to include delayed and resistant departure, may result in disciplinary action up to and including dismissal.

For the partial day absence due to being sent home, a non-exempt employee must charge some sort of leave for the hours not worked, while an exempt employee is paid for the full day when sent home from work.

- E. Employees who accrue sick leave and annual leave and have leave accruals on the books, to include initial probationary employees, will be allowed to use those banks for a pandemic influenza condition. Any associated personnel policies that establish time frame and purposes for use of leave banks are waived for the purposes of flu-like symptoms.

For example, an employee on initial probation who has not reached three (3) months of continuous service may use accrued sick leave or who has not reached six (6) months of continuous service may use annual leave. As stated in general policy, probationary time may be adjusted for absences lasting more than eighty (80) hours. Also, a two-week notice is not required for annual leave for this matter, and employees may volunteer to use compensatory time accrued or annual leave once sick leave accruals are exhausted. Use of leave for the purpose of caring for a sick child or eligible family member who is ill with the pandemic influenza virus may exceed forty (40) hours in a year (as established by anniversary date) and may include the use of accrued sick, accrued compensatory time, accrued annual leave and leave of absence without pay.

- F. Those employees who do not accrue leave banks or have exhausted leave banks must be placed in a leave of absence without pay status in the best interest of the County or for humanitarian/personal reasons. The employee's consent in such instance is waived.

- G. Due to strong recommendations from the Health Department and our healthcare provider, the requirement for a physician's verification for those who are absent for more than three (3) days is waived, unless the department suspects abuse. This will allow doctors, clinics and hospitals to attend to the very ill instead of those who simply need a physician's verification of an illness. This will relieve any overcrowding of medical facilities and further exposure that may occur from a pandemic. However, it must be noted that pursuant to Federal law, Human Resources must be notified when an absence is for more than three (3) days so that it can be determined if the employee has a serious health condition that falls under the Family and Medical Leave Act (FMLA). FMLA is not automatic for the pandemic influenza virus.

Serious health condition as defined under the FMLA requires inpatient care or a period of incapacity for more than three (3) consecutive calendar days and any subsequent treatment. This includes care for eligible family members. Human Resources (HR) -FMLA Administration is the only authority for Pima County to render a decision on a serious health condition. A decision will be made on a case-by-case basis.

If a serious health condition does not exist, then further verification may be waived, particularly since it has been stated that illness from the pandemic influenza may last from 4-5 days. If it is determined that the employee has a serious health condition, FMLA leave may apply and the

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requirement for requesting a doctor's certificate cannot be waived. In all cases involving more than three (3) days of absence, the department must continue to notify HR-FMLA staff following normal procedures.

- H. In the case where the child is healthy and the child's school is closed, the Appointing Authority may approve annual leave or the use of compensatory time. The use of sick leave is not applicable.
- I. The Board of Supervisor may determine from information provided by the Health Department whether a work site or public facility is infected and if the work site or public facility must be shut down. At that time, the Board of Supervisors may invoke Personnel Policy 8-107.A.2. or may give further direction to the County Administrator.
- J. Except as stated in I above, an employee must have a legitimate reason for not coming to work either via approved vacation or use of compensatory time, due to illness, or based on a leave of absence without pay when granted by the Appointing Authority and approved by the County Administrator, when required.
- K. Special attention should be paid to infection control practices. Frequent handwashing, use of sanitizers, covering coughs and sneezes, and regular cleaning of frequently touched surfaces will reduce possible exposure in the workplace.
- L. When implementing this policy, Pima County will not discriminate on the basis of race, color, religion, national origin, age, sex, disability, veteran's status, sexual orientation, or results of a genetic test received by the County, when applicable.

Finally, privacy rules apply to information regarding the employee and family members to include the medical condition of the employee and/or family member. The Americans with Disabilities Act (ADA), FMLA and the Health Insurance Portability and Accountability Act (HIPPA) laws protect medical information from being shared without the employee's express and written consent. Also, in addition to FMLA, medical disability and ADA may apply and will be handled on a case-by-case basis. Employees should contact Human Resources/Employment Rights with questions regarding this and other leave policies.

**References:** Pima County Merit System Rules and Personnel Policies  
Americans with Disabilities Act (ADA)  
Fair Labor Standards Act (FLSA)  
Family and Medical Leave Act (FMLA)  
Health Insurance Portability and Accountability Act (HIPPA)  
General Duty Clause of the Occupational Safety and Health Act (OSHA)  
Section 5(a)(1)

Effective Date: 10/20/2009