

**MMS Responses to Supervisors' Questions on H1N1**  
**2<sup>nd</sup> Edition**

1. **Question.** If there is a confirmed case in one of the buildings that MMS has an office, what do I do?

**Answer.** Medical information is sensitive and must be protected in accordance with policy. Please refrain from sharing the identity of the person who is ill and his/her medical condition. Notify your supervisory chain, the MMS Emergency Coordinator, your local administrative service center, and/or building management. If the case is an MMS employee, then the supervisor also submits a report on the DOI Safety Management Information System (<http://www.smis.doi.gov>). Encourage employees in area to remain vigilant with hand hygiene; generally take care of their health by getting plenty of rest and eating well; and if they have symptoms stay home and seek advice of personal physician if needed.

2. **Question.** In terms of cleaning, do we hire a professional firm? Do we go through GSA? Do we ask employees to clean their areas?

**Answer.** No. The main transmission concern is hand/mouth contact near a sick person. This is why good hygiene habits are so important. Traditionally, the flu virus does not live long on office surfaces. Exact times have not been published for H1N1; however, the estimate for seasonal flu living on hard surfaces is between 2-8 hours. Supervisors may choose to purchase cleaning supplies to support employees who wish to clean their phone, mouse, keyboard, or other devices/surfaces they touch often. If desired, supervisors should consult with MMS facility specialists and/or local building management for enhanced cleaning options available within our contract/service agreements (e.g., increased frequency or focus on commonly used surfaces/door handles).

3. **Question.** If we occupy the entire building, do we close the entire building until the building can be cleaned? If it has multiple floors, do we close just that particular floor? **Answer** No.

4. **Question.** If we are in a leased building, do we follow the recommendations by the building owner?

**Answer.** Yes. If you have questions, please contact your facility specialist or local administrative service center.

5. **Question.** What is the procedure to follow in shutting down an office? Whose decision is it within MMS?

**Answer.** In general, the highest ranking official at a facility (or cluster of nearby buildings, such as those on the Denver Federal Center) is responsible for safety of personnel and decisions to activate emergency plans (to include closures). This is a great opportunity to reconfirm understanding amongst your local senior leaders (regardless of organization) about emergency procedures and use of telework. If deemed necessary, follow normal closure procedures with appropriate notifications to employees, your management chain, and the MMS Emergency Coordinator; determine/announce leave status and/or telework; reiterate expectations for employees to check-in via hotlines and websites; if mission is significantly impacted, determine response based on continuity/devolution planning. As always, consult with HR if you have questions concerning directing employees into emergency leave status and/or teleworking.

Additional Resources are available at the following links:

OPM Guidance - <http://www.opm.gov/pandemic/agency/decisionchart.asp>

More OPM Guidance for Supervisors - <http://www.opm.gov/pandemic/agency/planning.asp>

CDC's Preventing Seasonal Flu - <http://www.cdc.gov/flu/about/qa/preventing.htm>

Promotional Posters - <http://www.cdc.gov/germstopper/materials.htm>

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## **MMS Initial Responses to Supervisors' Questions on H1N1**

### **1. Question: What do I do if an employee becomes a confirmed case for H1N1?**

**Answer:** Assuming the employee does not report to work, they may request leave. Available forms of leave are accrued sick leave or annual leave, request for advance sick leave or annual leave, request donated leave under voluntary leave transfer program, earned compensatory time off or earned compensatory time off for travel. If the condition develops into a serious health condition, employees may invoke the Family Medical Leave Act (FMLA) and take up to 12 calendar weeks of leave without pay. An employee may substitute their accrued annual leave or sick leave, as appropriate, for unpaid leave under the FMLA. (For further instructions, see answer to question, immediately below.) Management should contact Staci King, MMS Emergency Coordinator on 703-787-1620, if they are notified of a confirmed case of H1N1.

### **2. Question: How do I direct an employee who is exhibiting flu-like symptoms to go home? Get tested?**

**Answer:** If an employee exhibits symptoms of H1N1, as in any illness, they may request leave (see categories listed above). If the employee is ill and does not want to request leave but the supervisor is concerned about their well-being and the impact to the office, the supervisor should encourage the employee to seek medical attention, such as requesting sick or annual leave. Although an employee's use of leave is generally voluntary, in some situations an employee may be directed to take leave. This action generally required advance notice, opportunity to reply, and an agency decision. It is not recommended that supervisors direct employees to get tested for this or any other illness; directing the employee to get tested would invoke a monetary liability for the agency and may create negative impacts through administrative grievances or allegations of violating Equal Employment Opportunity protections. It is encouraged, however, to seek an open, honest communication with the employee and to ask the employee to notify their supervisor of any medical results that may impact the office or its employees. Managers are encouraged to contact HR for assistance and guidance should this situation occur.

### **3. Question: I am the senior MMS manager at my facility – I have received notification of some suspected/confirmed cases, what steps should I take to prevent further spreading? Should I send employees who were in close contact with infected persons to be tested? Do I send them with a Form CA-16? Should I close my office?**

**Answer:** There are excellent resources on the Occupational Safety and Health Administration's ([OSHA website](#)) and the Centers for Disease Control ([CDC website](#)). You may also consult your local Service Center Safety Officer for information concerning procedures regarding stopping the spread of the disease.

Employees who were in contact with someone who is infected and who are not ill are expected to report for work. Employees may request sick leave or other available leave to see a doctor if they choose to do so as a precautionary measure. However, failure to report for work without an administratively acceptable reason runs the risk of the employee being considered absent without leave and may warrant disciplinary action. The agency determines if the absence is acceptable. Precautions on the job include personal protective equipment, hand hygiene and cough etiquette, social distancing measures, and other administrative policies that might reduce the risks associated with work involving direct contact with the public.

Any concerns employees may have about contracting the flu from a co-worker must be addressed with the supervisor. The supervisor can recommend an appropriate solution

such as teleworking, changing work areas, or taking annual leave. Teleworkers who work from home must provide an appropriate workspace and should certify that it is free from hazards.

As stated above, it is not recommended that management direct employees to take any medical tests, but to encourage employees to seek medical treatment from their physician. If an employee believes that an illness, such as the H1N1 flu, resulted from a work-related incident, they may file a Workers' Compensation claim. The Department of Labor rules on entitlement to Workers' Compensation, and each case will be judged on its own merit. Do not give a Form CA-16 to any employee unless they wish to file a Workers' Compensation claim. If the employee wishes to file a Workers' Compensation claim, give the employee Form CA-2 and Form CA-16, as in any situation where an employee alleges occupational exposure or illness.

If circumstances warrant, instructions regarding the granting of administrative leave and emergency dismissal will be determined by MMS executives.

**4. Question: What if a contractor in our office (e.g., guard, cleaning staff) has flu-like symptoms? May I request they leave directly and/or do I contact the contractor's supervisor?**

**Answer:** Contact your Contracting Officer or local Service Center Procurement Office for specific guidance regarding contractor personnel in your office. Generally, MMS should notify the contractor's supervisor directly regarding any health concerns so that an informed decision can be made about the contract employee's status and to ensure continuation of services.

**5. Question: What can I do to mitigate the impact of employee absences due to the H1N1 flu?**

**Answer:** In addition to encouraging your employees to practice good public health habits and prevention measures and using the leave flexibilities identified above, supervisors are strongly encouraged to utilize and/or expand the use of telework for eligible positions. Telework is a great way to continue to accomplish the work while invoking the social distancing that may be necessary during a health crisis. Employees can work at home or at an alternative worksite on a core or situational basis. You can begin right away to evaluate your positions and determine if they are eligible for telework. Signed telework agreements must be put into place prior to the actual commencement of telework. The eligibility criteria and telework agreement forms can be found at: <http://www.mms.gov/adm/PFD/rn294.pdf>. Also be sure to follow your Program/Office supplemental guidance/procedures.

**6. Question: Only a handful of my employees have work they can do from home. How do I direct certain employees to telework and place others on leave if the office is unavailable or the state/local officials say it's too dangerous to report to work?**

**Answer:** Emergency-essential employees may be required to telework and should be notified immediately of their status and management's expectations of them during the emergency. Ensure that these employees are aware of their duties and that they can perform these duties off-site in the event they are directed to do so. If it is determined that only selected employees may telework during the emergency, guidance will be provided by senior management. Guidance will also be provided on how to document time and attendance for the rest of the workforce. Requests by employees to voluntarily telework must be directed to their supervisor and coordinated. In addition, telework agreements

must be in place and approved by the supervisor prior to employees initiating telework. Additional guidance will be issued if such an emergency arises.

**7. Question: Whom do I contact if my employee tests positive for H1N1?**

**Answer:** Supervisors are requested to notify Staci King, MMS Emergency Coordinator on 703-787-1620 of any confirmed case(s) of H1N1. Please be sure to protect sensitive information relating to the case such as the employee's name and medical condition.

**8. Question: What if an employee's spouse, son or daughter, or parent is affected by a serious health condition?**

**Answer:** The employee may request unpaid leave under the Family and Medical Leave Act (FMLA) (up to 12 weeks). In addition, they may request up to 40 hours of sick leave to care for an eligible family member.

**9. Question: What if an employee's child's day care center or school is closed and the child is not sick?**

**Answer:** If the employee has no symptoms, but must stay home to care for the child, then the employee may request earned annual leave, earned compensatory time off, earned compensatory time off for travel, or advance annual leave. If authorized for specified medical emergencies, the employee can request to be placed in the Emergency Leave Transfer Program.

**10. Question: What if my employee is healthy, but afraid to go to work because of the pandemic health crisis?**

**Answer:** The employee may request to use annual leave, earned compensatory time off, or earned compensatory time off for travel; however, employees need to know that they are valued members of the office and should report for duty if at all possible. If there is mission value and compatibility to allow the employee to telework, supervisors are encouraged to use that HR flexibility as well.

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