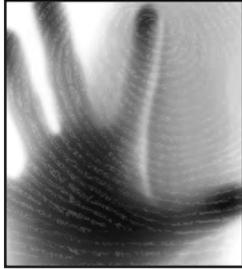


PANDEMIC FLU

Fact Sheet

PANDEMIC FLU PLANNING IN K-12 AND HIGHER EDUCATION – UNION ISSUES

Adapted from AFL-CIO fact sheet



INTRODUCTION

If a pandemic flu hits, it could have tremendous impact on employment and community services. K-12 schools and higher education campuses can be expected to

close for some period in order to limit the spread of illness. The State Education Department anticipates that school closures as long as 12 weeks could occur in order to slow the spread of illness. Higher education campuses would face similar lengthy shutdowns.

All over the world, public and private sector employers are developing written plans to prepare for a possible pandemic flu outbreak. Some issues that will or should be incorporated into pandemic plans will impact NYSUT locals and the benefits they've negotiated. These include: facility closure, lengthy absenteeism because of personal or family illness, identification of critical job functions, continuity of education/alternate learning, and payroll and communication operations.

Your union can play a crucial role in making sure that your employer takes action in advance of the pandemic so that safety and health measures are in place to protect the workforce, and that key items like pay and benefits are protected.

THE UNION'S ROLE

Review Employer Safety and Health Programs

The first step is to determine if the employer is ready to address the safety and health issues of pandemic flu in your workplace. The union needs to look at the employer's existing programs, plans and policies to see whether they include a pandemic flu infection control program. Ask the employer if they have developed any of the following documents and

to provide the union copies of them:

- Overall safety and health program for the workplace
- Testing and evaluation of plans through periodic tabletop exercises
- Infection control program
- Exposure risk determination for pandemic flu virus
- Methods of controlling pandemic flu exposure
- Health surveillance plan to identify sick workers
- Pandemic flu training and hazard communication
- Housekeeping

The union can use its health and safety committees or activists to assist in determining if those plans and policies need small changes, major revisions or development of new policies so workers are protected. The union should then meet with the employer to put into place a comprehensive pandemic flu plan. For advice on specific workplace protection and infection control measures see American Federation of Teacher's fact sheet on this topic.

Bargaining Issues and Employment Policy Impacts

Many NYSUT members will be called upon to assist in the event of a pandemic influenza outbreak because of the great potential for disruption of services and widespread illness and death. NYSUT believes its members should be aware of those issues that could have serious consequences for job security, salary and benefits.

During an outbreak, members must know that their collective bargaining agreement rights will be respected. If workers become ill or must stay home to take care of ill family members, they should not suffer loss of pay, benefits or other rights for the duration of the illness. In addition to contract rights, this is an important public health measure. It encourages workers to be vigilant about their own health and their potential to infect others with the influenza virus. A failure to respect workers' rights and to guarantee pay will serve as a disincentive to report symptoms and to stay away from public contact at work. Policies should be modified to make sure they assist workers and the employer.

Your union can play a crucial role in making sure that your employer takes action.

Pandemic flu plans should be reviewed to see which job titles have been determined to be critical and if additional duties will be assigned. As a general rule, the Taylor Law provides that the addition of a duty is mandatorily negotiable if the additional duty is not inherently part of the employee's existing duty description. Determination of essential personnel or those who perform critical functions is within management's rights, but it cannot be arbitrary or unreasonable.

Policies that should be reviewed or developed include:

- Ability to decline assignment
- Determination of essential personnel
- Training and education provided for staff, students, clients and family members
- Infection control mechanisms in place (hand-washing, alcohol gels, gloves, masks, etc.)
- How the employer will train and protect those required to work
- Continuation of salary/benefits during facility closing or prolonged illness
- Alternative staffing policies
- Liberal policies on sick leave and compensation including staff absences related to family member illness
- Medical removal protection (MRP) program (encourages sick workers to report symptoms and stay home while they are sick)
- Return-to-work policies after personal or family illness
- Alternative or flexible worksite (computer/telephone based) policies
- Policies on what to do if staff or students/clients become ill (at school/workplace)
- Curriculum preplanning or other alternative learning methods if appropriate
- Working from home (telecommuting)
- Work shift flexibility and staggering work shifts (reduces the number of workers present at work at any one time to lower exposure risk)
- Cross-training of core skills to increase the number of workers who are able to perform critical tasks in case of illness; understanding that use of workers cross-trained is only during emergencies (defined)
- Use of facilities for temporary medical clinics; staff asked to work should be on a voluntary basis

Some employers may refuse to meet with the union to discuss the union's ideas on how to develop an effective pandemic flu infection control program. If that happens, the union should demand to bargain over this matter. Health and safety conditions in the workplace are a mandatory subject of bargaining under labor law.



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