BOBBY JINDAL
GOVERNOR

ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNL POLICY NO. 92

EFFECTIVE DATE: **December 11, 2009**

SUBJECT: **Pandemic Flu Response**

AUTHORIZATION: _____
Angele Davis, Commissioner of Administration

I. POLICY

It is the policy of the Division of Administration (DOA) to promote a safe and healthy work environment for its employees. During any type of pandemic flu outbreak, the DOA will follow expert advice regarding measures to be taken to minimize the impact of the outbreak on its workforce while continuing to serve the taxpayers of Louisiana.

II. PURPOSE:

The purpose of this policy is to establish guidelines and procedures relative to the use of leave, telecommuting, and teleworking as a result of a pandemic flu outbreak.

III. APPLICABILITY:

This policy is applicable to all employees of the Division of Administration in all sections, both general and ancillary appropriations.

IV. DEFINITIONS:

Pandemic Flu – a human flu that causes a global outbreak, or pandemic, of serious illness. In this case, there is little natural immunity; therefore, healthy people may be at an increased risk for severe symptoms and serious complications are more frequent. The disease can spread easily from person to person.

Telecommuting – a work arrangement that allows employees to **regularly** perform officially assigned job duties at home or other work sites geographically convenient to the residence of the employee and away from his/her primary work site, in accordance with a telecommuting work agreement.

Teleworking – a work arrangement that allows employees to **temporarily** perform officially assigned job duties from their home. A teleworker is usually connected to the workplace through email, the internet, and/or a private network.

V. PROCEDURE:

A. Attendance and Leave

1. Unless an emergency closure of state offices is announced by the Commissioner of Administration or the Governor for a pandemic flu outbreak, all employees are expected to report to work as usual. However, any employee experiencing flu-like symptoms with fever should not report to work.

2. An employee who has flu-like symptoms with fever shall not return to work for at least 24-hours after the fever is gone without the use of fever-reducing medicine.

3. An employee shall use sick leave (if available) for his own illness. If sick leave is exhausted, the appointing authority or his designee may approve annual leave or compensatory leave (if available) in lieu of sick leave as long as the employee's absence is due to the flu-like illness with fever.

4. If an employee reports to work with flu-like symptoms with fever, the section head or immediate supervisor shall encourage the employee to go home and offer to approve sick leave (or annual/compensatory leave if sick leave is exhausted).

   If the employee refuses to leave or go home, the section head shall notify the Office of Human Resources (OHR). OHR will contact the appointing authority for authorization to place the employee on enforced compensatory leave (if available) or enforced annual leave as long as the annual leave balance is not reduced below 240 hours. If the employee does not have compensatory leave or sufficient annual leave, the appointing authority may place the employee on enforced sick leave. In all instances of enforced leave, the appointing authority shall ensure that the employee's symptoms are observed by more than one person, at least one of which should be at the supervisor level or above.

   If an employee has an immediate family member who has flu-like symptoms with fever, the employee should use compensatory or annual leave for the time needed to be away from work to care for family members. Since the **appointing authority** deems it to be in the best interest of the workplace because of concerns of contagion that the employee be away from the workplace, such an employee may be approved to use his/her sick leave for the period of time needed to be away from work to care for family members and ensure that the employee's own health is not compromised. The appointing authority will not designate others to approve or disapprove sick leave requests to care for a family member unless he/she determines an emergency situation exists necessitating such an action. This type of request should be approved or disapproved by the appointing authority only.

If the use of sick leave for an immediate family member is not authorized by the appointing authority, the employee shall first use annual or compensatory leave for the absence if available. If the employee exhausts his annual and compensatory leave, the appointing authority may approve sick leave instead of placing the employee on leave without pay.

B. Telecommuting

For the purpose of this policy, the appointing authority may grant approval for section heads to direct employees to telecommute as a measure of minimizing the impact of a pandemic flu outbreak. Telecommuting may not be used in place of annual, compensatory, sick, or any other type of leave. (Refer to DOA Personnel Policy #89, *Telecommuting*, for additional information.)

C. Teleworking

On a case by case basis, the appointing authority may grant approval for section heads to allow employees to temporarily work from home when an employee's immediate family member has a flu-like illness, and the employee serves as the primary caretaker. Teleworking does not change an employee's conditions of employment or required compliance with DOA policies and procedures. This work arrangement is an exception to DOA Personnel Policy No. 6, *Attendance/Leave, Work Hours and Work Schedules.*

When an employee is authorized to telework, the following applies to equipment and state documents:

- The DOA is not liable for damages, repairs, or maintenance to employees personal or real property.
- Employees must receive prior approval before using any state-owned equipment. For authorized users, state-owned equipment shall be used only for agency business.
- Employees are responsible for protecting state-owned equipment from theft, damage and unauthorized use.
- All DOA records, files, and documents must be kept confidential and secured and protected from unauthorized disclosure or damage.

VI. RESPONSIBILITY:

Deputy/Assistant Commissioners and equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring that each employee under his/her supervision is made aware of this policy and its contents.

Ensuring that any policy exceptions are requested and approved.

Ensuring that employees are treated consistently and equitably regarding leave usage, telecommuting and/or teleworking.

Reporting to the Office of Human Resources the names and circumstances of any employees who are authorized to telecommute or telework under this policy.

Managers/Supervisors are responsible for:

Complying with this policy as directed by their section head.

Ensuring that proper documentation of work hours are submitted by employees that telecommute or telework.

Office of Human Resources is responsible for:

Maintaining a file on those employees who are authorized to telecommute or telework.

Ensuring that this policy and subsequent revisions are provided to section heads for posting.

Employees are responsible for:

Adhering to all aspects of this policy.

Notifying their immediate supervisor when either they or an immediate family member have a flu-like illness as well as keeping their supervisors up to date on their status.

VII. VIOLATIONS:

Failure to comply with provisions of this policy may result in disciplinary action up to and including termination.

VIII. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

IX. EXCEPTIONS:

Request for exceptions to this policy shall be justified, documented and submitted to the appointing authority for consideration.