

## Questions & Answers for Minnesota Executive Branch Employees re: Flu Pandemic

*Please note: This is not intended to cover all questions, but those questions frequently asked. As the situation evolves, more specific direction will be developed to reflect the appropriate practices for the particular severity level.*

<i>Questions</i>		<i>Illness in MN – agencies still maintaining operations as usual</i>	<i>Emergency Declared in MN – Governor has declared an emergency and implemented emergency response measures for state employees and state agencies</i>
<b>1</b>	<b>Can I refuse to come to work if I think it will cause me to be exposed to the flu?</b>	No. As state employees, we have obligations to keep services up and running to the extent possible during an emergency. We will be making every effort to reduce exposure in our workplaces.	No. If you are assigned to work during a declared emergency, you must come to work unless your situation fits any of those covered in other questions. We will need to have people working in order to maintain the state's most critical services.
<b>2</b>	<b>What if I do refuse to come to work?</b>	You will be treated just as you would if you failed to come to work at any time: You will be subject to disciplinary action.	You will be treated just as you would if you failed to come to work at any time: You will be subject to disciplinary action. If you are assigned to work. However, any disciplinary action might not be administered until after a pandemic crisis has passed.
<b>3</b>	<b>Can I use vacation leave, sick leave or any other type of leave in order to avoid working during a flu pandemic?</b>	You may request leave time, and it will be reviewed, and approved or denied, in accord with the leave provisions of your contract or plan.  In general, our objective is to ensure that the State's critical services are continued during a pandemic. At this time, our goal is to encourage employees to report to work. However, based on the virility of the virus, and depending on recommendations from the Minnesota Department of Health, discretionary leaves may be considered.	As a general rule, discretionary leaves will not be approved. Use of sick leave and FMLA leave is addressed in other questions.

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4	<b>If my job requires me to work with the public do I have to come to work?</b>	Yes, unless directed not to. If you are assigned to work in a situation that would put you at greater risk of exposure than the typical interactions you would encounter in conducting your usual life activities, the state will make an effort to provide the appropriate protective measures, such as increased hygiene measures, protective equipment, social distancing measures, physical barriers.	Yes, unless directed not to. If you are assigned to work in a situation that would put you at greater risk of exposure than the typical interactions you would encounter in conducting your usual life activities, the state will make an effort to provide the appropriate protective measures, such as increased hygiene measures, protective equipment, social distancing measures, physical barriers.
5	<b>What if I am assigned to perform work that isn't normally part of my job, either in my own agency or somewhere else? Can I refuse the assignment?</b>	No. You must work as assigned unless granted leave. As the effects of a pandemic are realized in Minnesota, state employees should anticipate that they may be required to assist in performing work for absent or ill co-workers or ensure that the state is able to provide essential services.	No. You must work as assigned unless granted leave. As the effects of a pandemic are realized in Minnesota, state employees should anticipate that they may be required to assist in performing work for absent or ill co-workers or ensure that the state is able to provide essential services.  The Governor may by executive order direct alteration of working hours, workdays, work week and leave provisions as necessary to minimize the impact of the pandemic.
6	<b>What if I'm assigned to work that would put me at greater risk of being exposed to the flu? Can I refuse the assignment?</b>	No. You must work as assigned unless granted leave. As the effects of a pandemic are realized in Minnesota, state employees should anticipate that they may be required to assist in performing work for absent or ill co-workers or ensure that the state is able to provide essential services.  If you are assigned to work in a situation that would put you at greater risk of exposure than the typical interactions you would encounter in conducting your usual life activities, the state will make an effort to provide the appropriate protective measures such as increased hygiene, protective equipment, social distancing measures, physical barriers.	No. You must work as assigned unless granted leave. As the effects of a pandemic are realized in Minnesota, state employees should anticipate that they may be required to assist in performing work for absent or ill co-workers or ensure that the state is able to provide essential services.  You must work as assigned unless granted leave. If you are assigned to work in a situation that would put you at greater risk of exposure than the typical interactions you would encounter in conducting your usual life activities, the state will make an effort to provide the appropriate protective measures such as increased hygiene, protective equipment, social distancing measures, physical barriers.

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<b>7</b>	<b>What is social distancing? Will the state implement social distancing in the workplace?</b>	Social distancing measures are measures intended to reduce the spread of a pandemic flu virus by reducing direct contact between individuals. Social distancing measures may include minimization of face to face meetings, staggered work hours and days, work from home measures, spacing of work areas, physical barriers between individuals, and other similar practices. Depending on the severity of the illness, agencies may be implementing social distancing measures.	The Governor may require by executive order implementation of social distancing measures in the state workforce.
<b>8</b>	<b>What should I do if I believe I may have the flu?</b>	Minimizing the spread of the virus will be critical. You should contact your supervisor and report that you are ill. You should not report to work if you believe you are ill. If you become ill at work, you will be paid for the remainder of the work day.	As more people become ill, more specific reporting procedures during a pandemic may be implemented to account for ill employees and track the availability and use of leave.
<b>9</b>	<b>What if I have been directly exposed to the flu, but do not have symptoms?</b>	Employees must still report to work unless they are exhibiting influenza-like-illness symptoms. Employees who believe they have been exposed to the flu should monitor themselves for symptoms.	Employees must still report to work unless they are exhibiting influenza-like-illness symptoms. Employees who believe they have been exposed to the flu should monitor themselves for symptoms.
<b>10</b>	<b>What if I believe a co-worker has the flu or has been exposed to it?</b>	Please discuss your concern with your supervisor or someone in Human Resources. You will be expected to report to work and perform work as directed.	Please discuss your concern with your supervisor or someone in Human Resources. You will be expected to report to work and perform work as directed.
<b>11</b>	<b>Has the state developed policies and procedures for what state agencies should do if someone becomes ill at work?</b>	Yes, MMB has developed the policies and provided agency HR Directors with a copy. An employee who becomes ill at work should contact their supervisor and leave the workplace. An employee may be given the choice of using a tissue or surgical mask to cover their mouth and nose when leaving the work place. If possible, the employee can clean and sanitize their work station. Please see MMB's policy "Managing Ill Employees in the Workplace During a Pandemic". This can be found on MMB's password protected website <a href="http://www.BeReadyMN.com">www.BeReadyMN.com</a>	Yes, the employee will be sent home using appropriate protocols recommended by the Department of Health. The employee area will be cleaned and sanitized.

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12	<b>What if an employee who is exhibiting influenza-like illness refuses to leave the work place?</b>	The supervisor should contact their Human Resources Office for further instruction. The employee should be provided with information on why they are being asked to leave the work place. If the employee continues to refuse the leave, Human Resources may call security to have them escorted out of the building.	The supervisor should contact their Human Resources Office for further instruction. The employee should be provided with information on why they are being asked to leave the work place. If the employee continues to refuse the leave, Human Resources may call security to have them escorted out of the building.
13	<b>Is pandemic flu an FMLA qualifying condition and will I be able to use FMLA leave?</b>	Under discussion.	Under discussion
14	<b>What if my children’s school or day care provider is closed and I have no one else to take care of the kids?</b>	This will be handled as usual, i.e., you may request to use vacation leave, comp time or leave without pay. Documentation may be required.	If day cares and schools are closed by order of the state, employees who are required to report for work to perform essential functions will be expected to exhaust available child care resources. Employees with young children and who have no alternative care options will have to report to their supervisors and may be granted paid or unpaid leave as determined appropriate.
15	<b>What if members of my family are sick?</b>	This will be handled as usual. Use of sick leave, FMLA leave or other discretionary leave will be administered in accordance to the labor agreements and plans. Use of discretionary leave may be limited.	As a general rule, discretionary leaves will not be approved. If the Governor has modified by executive order annual and sick leave provisions, employees will be subject to the leave requirements as modified. Unless suspended or modified, FMLA leave may be available as described above.
16	<b>What if members of my family who DO NOT live in the same household as me are sick? Can I stay home to care for them?</b>	This will be handled as usual. Sick leave will be administered in accordance to the labor agreements and plans.	If FMLA qualifying, leave will be approved if the FMLA law has not been suspended. If the Governor has modified by executive order annual and sick leave provisions, employees will be subject to the leave requirements as modified. Otherwise, you may be permitted to use accrued leave to care for sick family members as provided by your contract/plan.

17	<b>Will we be able to and have the resources, (i.e., Resumix or job service) to recruit and fill jobs on a temporary basis?</b>	Yes, these services should be available. Agencies can use emergency appointments, or temporary hires to fill the needs if staffing becoming critical. A redeployment guide is being created to assist agencies in their planning efforts.	In the event an emergency is declared, Resumix functionality will not be available. Agencies will first be expected to work through all of the redeployment options designated in their pandemic plan. If an agency has exhausted their options and they are still short-staffed, they may fill positions that are providing critical services on a permanent or temporary basis. Note: The availability of workforce center offices are still in the planning stages.
18	<b>How will the state respond to staffing issues related from employees of a 24/7/365 operation refusing to come to work because they are caring for family members.</b>	The employee will be required to report to work, unless arrangements have been made for the employee to telecommute. The state recognizes that each instance will need to be considered individually and will consider each employee's ability to arrange alternate means to deliver health care to dependents and other family members, and the employer's ability to arrange for alternative means of getting the work done.	The employee will be required to report to work, unless arrangements have been made for the employee to telecommute. The state recognizes that each instance will need to be considered individually and will consider each employee's ability to arrange alternate means to deliver health care to dependents and other family members, and the employer's ability to arrange for alternative means of getting the work done.
19	<b>Will I be eligible for short-term disability benefits?</b>	For employees that have an up-to-date policy for short-term disability, the standard eligibility requirements would apply. Employees would be eligible for illness disability benefits after 7 days of full disability due to an illness.	The same as indicated except delays in processing benefits are expected.
20	<b>If the employee is exposed or acquires H1N1 flu from another employee, is it covered by Workers' Compensation?</b>	An occupational disease (pandemic influenza in this case) may be covered by Minnesota Workers' Compensation Laws. The employee must be working in an environment that places him/her at greater risk than the general public, and it must be proven that the disease arose out of and in the course and scope of employment.	The same as indicated except delays in processing benefits are expected.
21	<b>Once the H1N1 vaccination becomes available to the general public, will the state allow employees time off to obtain a vaccination?</b>	Employees will be encouraged to receive a vaccination when available and standard sick leave policy will apply.	All employees will be encouraged to receive a vaccination when available and standard sick leave policy will apply.
22	<b>Will the vaccine be offered to employees without cost?</b>	Yes, if the employee is covered by the Advantage Health Plan. Vaccines are covered as preventive services (no deductible, no co-pay) under the Advantage Health Plan.	Yes, if the employee is covered by the Advantage Health Plan. Vaccines are covered as preventive services (no deductible, no co-pay) under the Advantage Health Plan.
23	<b>Is the Minute Clinic equipped to test employees for the pandemic flu?</b>	Currently, patients coming into health care facilities exhibiting influenza-like illness are not being tested for H1N1 unless they are hospitalized, or the testing is necessary for other reasons. Minute Clinics are not testing for H1N1 flu.	Currently, patients coming into health care facilities are not being tested for H1N1 unless they are hospitalized, or the testing is necessary for other reasons. Minute Clinics are not testing for H1N1 flu.

24	<b>If protective equipment is recommended (face mask) will I be provided one or am I expected to procure my own.</b>	Personal protective equipment (PPE) including masks and/or respirators will be provided to employees by the state when employees are required to conduct work tasks for which the MN Dept of Health or the employer recommends PPE.	Personal protective equipment (PPE) including masks and/or respirators will be provided to employees by the state when employees are required to conduct work tasks for which the MN Dept of Health or the employer recommends PPE.
25	<b>If I think the face mask I have is better than the one I am provided with, may I use my own?</b>	Yes, subject to prior review by the employer to ensure that the face mask/respirator meets the minimum recommended level of protection for the circumstances.	Yes, subject to prior review by the employer to ensure that the face mask/respirator meets the minimum recommended level of protection for the circumstances.
26	<b>If I don't think protective gear is necessary, but it's being provided, must I use it?</b>	If it is required by the employer, you must use it.	If it is required by the employer, you must use it.
27	<b>If an employee travels to a country/location that is experiencing a pandemic, can we restrict them from coming to work? If so, what type of leave?</b>	At this time, no recommendations are provided for quarantining individuals returning from countries experiencing H1N1. Employee should monitor themselves for symptoms if they believe they have been exposed.	Maybe. "Quarantine" of individuals will be based on recommendations made by the MN Dept of Health and/or CDC. Individuals restricted from the workplace may still be able to perform work assignments by alternate means (e.g. telecommuting).
28	<b>Regarding the previous question, for how long? Who decides if they need to be quarantined?</b>	Any type of quarantining of individuals will be based on recommendations made by the MN Dept of Health and/or CDC.	"Quarantine" of individuals will be based on recommendations made by the MN Dept of Health and/or CDC.
29	<b>What daily strategies can we implement to help prevent the spread of the infection?</b>	State agencies are provided with the most current public health recommendations regarding infection control. Agencies will be encouraged to employ social distancing into their work. Increased cleaning of frequently touched surfaces is recommended.	Same
30	<b>Will the state develop requirements for distributing N-95 respirators?</b>	Distribution and use of respirators will be in accordance with Respiratory Protection Standard. 29CFR 1910.134	Distribution and use of respirators will be in accordance with Respiratory Protection Standard. 29CFR 1910.134
31	<b>Should each state agency be purchasing their own N95 respirators for employees?</b>	Agencies that have employees with an occupational need for respiratory protection as recommended by OSHA or public health organizations should acquire their own supply of respirators. Currently respirators are only recommended for employees that have direct patient care responsibilities or those with direct exposure to infectious materials.	Agencies that have employees with an occupational need for respiratory protection as recommended by OSHA or public health organizations should acquire their own supply of respirators. Currently respirators are only recommended for employees that have direct patient care responsibilities or those with direct exposure to infectious materials.

32	I am well but can I bring in and wear a surgical mask in the workplace?	<p>The Occupational Safety and Health Administration (OSHA) defines four levels of risk for exposure to pandemic influenza in the workplace; low, medium, high, and very high.</p> <p><b>Low exposure risk workplaces</b> are those that do not require contact with people known to be infected with the pandemic virus, nor frequent close contact (within 6 feet) with the general public. <b>Office type workplaces and similar environments that don't require close contact with the public are generally considered low risk exposure workplaces.</b></p> <p>Guidance from the Occupational Safety and Health Administration (OSHA) and the Center for Disease Control (CDC) for low exposure risk workplaces <b>does not recommend</b> the use of surgical masks or respirators. The guidance also does not prohibit employees from wearing surgical masks or respirators.</p> <p>Minnesota Management and Budget strongly discourages well employees wearing masks or respirators in the office setting. However, if an employee brings a mask or respirator from home and insists on wearing it, they should be permitted to do so.</p>	Same
33	Has the state requested the Department of Administration Plant Management Cleaning staff to increase the frequency of office cleaning and sanitation?	Custodial services are expected to focus on frequently touched surfaces or items. Guidance on workplace cleaning has been provided by the Department of Administration. It can be found on the <a href="http://www.BeReadyMN.com">www.BeReadyMN.com</a> website, in the password protected area.	same
34	In case of Weather Emergency, the state shuts down and employees still get paid. Would this be the same in a pandemic shutdown?	State agencies are expected to continue to provide services on a priority basis. Employees will be expected to report to work as directed.	Same
35	If the Governor shuts down state buildings and/or services will everything be closed like a snow day or will agencies need to keep essential services going such as were identified during the potential shutdown in 2001?	It will be necessary for agencies/state buildings to remain open e.g., state hospitals, prisons, veteran homes or other designated buildings in order to either continue critical services. Employees may be assigned to work for a different agency or program as need to support the state's critical services.	Same.

36	<b>If an employee works out of class (in a higher classification) will they be compensated accordingly?</b>	Employees will be compensated according to collective bargaining agreements/plans.	Employees will continue to be compensated according to collective bargaining agreements/plans. Processing of salary adjustments could be delayed.
37	<b>Can employees be assigned to perform work normally performed by employees under different union contracts?</b>	Yes. Employees will be expected to cover those duties deemed to be critical regardless of union contracts/plans.	Same
38	<b>May I adjust my work schedule to accommodate my situation (e.g., my spouse works day; I want to work nights)?</b>	Requests made by employees will be taken into consideration and where possible, allowed. However, the decision to allow any adjustments in work schedules will ultimately be determined by the employer based on continuing critical functions necessary to the state.	Same
39	<b>Must I, as the supervisor, approve an employee's request to telecommute?</b>	No; however, each individual request will be reviewed based on the critical function needs of the agency and the technical infrastructure availability within the agency. The final decision to allow telecommuting is determined by the employer. There is a statewide telecommuting guide available at <a href="http://www.BeReadyMN.com">www.BeReadyMN.com</a>	Same.
40	<b>During the pandemic, in what circumstances could the employer cancel vacation leave requests that have already been approved?</b>	The employer has the authority to cancel any pre-approved vacation leave requests.	Same
41	<b>Will an agency be required to pay overtime and shift differential?</b>	Employees will be compensated for shift differential and overtime according to collective bargaining agreements/plans.	Same Payments for overtime and shift differential may be delayed.
42	<b>If it is necessary for the employee to change a work schedule or create a new shift to meet the agency's needs, is the agency required to give 14 days or 28 days notice to the employee? If the employee requests the change, must they give the employer required notice? Can an agency create split shifts?</b>	The employer may make changes to work schedules without prior notice in order to continue the critical needs of the agency. Some of these changes may result in payment of overtime depending on collective bargaining units/plans. The employer will consider on an individual basis the personal needs of those employees whose schedules may change.	Same. Payments may be delayed or suspended in the Executive order.

43	<b>Will supervisors be able to change employee's hours of work e.g., from 8 to 10 or 12 hour work days, as needed in order to react to staffing and operational requirements?</b>	Yes, the employer may make changes to work schedules without prior notice in order to continue the critical needs of the agency. Some of these changes may result in payment of overtime depending on collective bargaining units/plans. The employer will consider on an individual basis the personal needs of those employees whose schedules may change.	Same
44	<b>Can employees be redeployed to other locations, other departments (similar to when we had a strike) that require direct patient care, and what do we do if the employee refuses to go for whatever reason.</b>	Yes, when it becomes a critical situation. The employer will closely consider the personal needs of the employee before determining if redeployment is necessary. Employees refusing to report to work as assigned will be subject to discipline in accordance to contracts/plan. A redeployment guide for state agencies is being created by MMB.	Same
45	<b>Since we will be looking not only at Commissioner's Plan and Managerial Plan employees but also bargaining units, what provisions do we have under the existing contracts or what MOU's do we need to negotiate to implement this?</b>	Bargaining agreements and plans will be honored to the extent possible.	Provisions of the collective bargaining agreements will likely be subject to review and may be temporarily suspended as allowed by law.
46	<b>What are the subcontracting issues that arise if we need to bring temporary employees or contractors in to provide services employees cannot, due to absenteeism</b>	Each agency is accountable for determining what functions are critical and must operate during a pandemic. This does include responsibility for assessing and assuring staffing levels are appropriate to support critical functions. Each agency will utilize existing appointment methods appropriate for their needs. Each agency will make a good faith effort to determine the availability of state employees to perform work before employing contractors.	Same
47	<b>I take public transportation to work. Can I come to work earlier or later to avoid the busiest times for public transportation?</b>	Employees should work with their supervisors to see if other arrangement can be made.	Same

48	<p><b>What if I am covering work for others and am unable to use all of my vacation hours by the required time. Will I be able to carry it over the excess into the new fiscal year?</b></p>	<p>Employees should work with their supervisors to request the extension to the usage of their vacation time. If an employee has been redeployed or has not been able to use their vacation time due to working for others who are out ill, they may request an extension to their vacation usage.</p>	Same
49	<p><b>Is deployment a decision of each agency or will that come from MMB? What if the agency can share resources with another similar agency?</b></p>	<p>If an agency needs to redeploy within its agency, no action is necessary from MMB. If there is a need to get staff from another agency, that request must come to MMB to coordinate, so we can ensure state-wide priorities are being met. Agencies will be asked to submit their staffing request form. MMB will be providing state agencies with a Redeployment Guide in the near future.</p>	Same
50	<p><b>So is an agency <u>required</u> to re-deploy employees to other agencies if they need assistance? How will MMB know that an agency has employees that can be deployed to another agency?</b></p>	<p>Yes, employees will be expected to come to work and as an employer we can require employees to be redeployed. The state will make an effort to provide the appropriate protective measures such as increased hygiene, protective equipment, social distancing measures, physical barriers.</p> <p>MMB will be tracking the movement of employees and will be in communication with agencies on who is available to be redeployed. If they are no longer doing priority service 3-4 for an agency and another agency needs priority 1-2 services to be sustained, we will be communicating (through the HR Directors) the need for the staff.</p>	Same