

Preparing for a Pandemic – Agency Directors Human Resources FAQs

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The General questions numbered 1 through 6 were prepared with assistance from the Arizona Department of Health Services.

GENERAL

1. Why do I keep hearing the terms “swine flu” and “influenza pandemic”?

Answer: There has been, and continues to be, a growing concern about the possibility of an influenza pandemic. According to the Centers for Disease Control and Prevention (CDC), swine flu is a respiratory disease of pigs caused by type A influenza virus that causes regular outbreaks in pigs. Swine Flu viruses cause high levels of illness and low death rates in pigs. Swine influenza viruses may circulate among swine throughout the year, but most outbreaks occur during the late fall and winter months similar to outbreaks in humans. The classical swine flu virus (an influenza type A H1N1) was first isolated from a pig in 1930.

For more in depth information about Swine Flu Influenza, see the Centers for Disease Control and Prevention “Key Facts About Swine Influenza (Swine Flu)” at http://www.cdc.gov/swineflu/key_facts.htm and the Arizona Department of Health Services, Division of Public Health Services at <http://www.azdhs.gov/phs/oids/epi/flu>.

An influenza pandemic is a global outbreak of disease from a new influenza; a virus that is unlike past influenza viruses. Because people have not been infected with a similar virus in the past, most or all people will not have any natural immunity (protection) to a new pandemic virus.

2. What is the difference between seasonal flu, swine flu, bird flu and an influenza pandemic?

Answer:

Seasonal (or common) flu is a respiratory illness that can be transmitted person to person. Most people have some immunity and a vaccine is available.

Swine flu is a naturally occurring respiratory disease of pigs caused by type A influenza that causes regular outbreaks in pigs. Swine flu can be directly transmitted from pigs to people and people to pigs. Human infection with flu viruses from pigs are most likely to occur when people are in close proximity to infected pigs, such as in pig barns and livestock exhibits at fairs. Human-to-human transmission of swine flu can also occur. See the Wellness section of these FAQs for information regarding the swine flu vaccine.

Avian (or bird) flu (also referred to as the H5N1 flu strain) is caused by influenza viruses that occur naturally among wild birds. The virus is deadly to domestic fowl and can be transmitted from birds to humans. There is no human immunity to this virus and

no vaccine is available. However, the Avian flu virus cannot easily be transmitted from person to person.

Influenza pandemic occurs when there is a worldwide outbreak of severe flu caused by a virus that is new to humans. Influenza pandemics occur when a new or markedly changed virus develops. Because some flu viruses develop and are very different from any virus seen before, there is no natural immunity (defenses) in the human population, and the disease can spread easily from person to person. In an influenza pandemic, many people could get sick at the same time, and many could die.

3. What is the State of Arizona doing to prepare for a possible influenza pandemic?

Answer: In Arizona, the Governor's Office, the Arizona Department of Health Services, the Arizona Department of Agriculture, and the Arizona Department of Game & Fish have all been involved in influenza pandemic preparedness. The Arizona Department of Health Services (DHS) has prepared an Influenza Pandemic Response Plan, which can be viewed on DHS's web site: www.azdhs.gov/pandemicflu.

4. When will an influenza pandemic get to Arizona?

Answer: Currently, the World Health Organization (WHO) has declared a pandemic due to novel H1N1 influenza.

5. Where can employees learn more about the swine flu, Avian flu and the possibility of an influenza pandemic?

Answer: Additional, more specific information, including recommendations for individual and family preparedness, can be obtained from the following web sites:

- Federal government – www.pandemicflu.gov
- The Centers for Disease Control (CDC) – www.cdc.gov
- CDC Hotline – 1.800.CDC.INFO (1.800.232.4636). TTY: 1.888.232.6348. This line is available in English and Spanish, 24 hours a day, 7 days a week. Questions can be emailed to cdcinfo@cdc.gov
- The World Health Organization (WHO) – www.who.int/en/
- Arizona Department of Health Services – www.azdhs.gov/pandemicflu

6. How can I help my employees be better prepared for influenza illness during the pandemic?

Answer: Agencies are encouraged to educate employees regarding the potential risks of an influenza pandemic and how to prepare – now! Preparation should include planning for potential illnesses and the need for leave should employees or their family members become ill.

LEAVE

1. What type of leave is available to employees in case of an influenza pandemic under the current Personnel Rules?

Answer: There are no statutes or policies establishing special types of leave in case of an influenza pandemic. All currently available forms of leave may be considered in the event of an influenza pandemic. For further information review the Personnel Rules covering the following types of leave:

- Sick Leave
- Family Sick Leave (40 hours to care for child, spouse, or parent)
- Annual Leave
- Compensatory Leave
- Donated Annual Leave
- Leave Without Pay
- Medical Leave Without Pay

Note: Depending on the circumstances, leave taken due to the flu may qualify as part of the Family and Medical Leave Act. Each leave category mentioned above has a personnel rule associated with it. Please review the appropriate personnel rule for further information regarding each leave category or contact your agency human resources office for further information.

2. If employees are not sick but refuse to come to work for fear of becoming ill, are agencies required to authorize annual or compensatory leave? How should this be addressed?

Answer:

- Providing employees with clear, accurate information regarding the situation is critical.
- Agencies are not required to provide annual leave.
- In accordance with the federal Fair Labor Standards Act, if the use of compensatory leave will unduly disrupt the operations of the agency, the request for use of compensatory leave may be denied. However, employees should be permitted to use such time within a reasonable period after making the request.
- Agencies are under no obligation to accommodate such fears. However, no one can predict the severity of an influenza pandemic. Depending on the circumstances, agency management may want to discuss the situation with the employee. Alternative work schedules and telecommuting are options that may become appropriate to review and consider.

- 3. What if employees utilize public transportation to travel to and from work and due to an influenza pandemic, the public transit system shuts down and employees are unable to get to work. Will the employees get paid for the day(s) they are unable to get to work?**

Answer:

- Administrative Leave: Agency directors have the authority under Personnel Rule R2-5-409 to authorize an employee to be absent with pay on administrative leave in emergency situations such as malfunction of publicly-owned or controlled equipment.
- Telecommuting: Agencies may authorize employees to work from home if employees' positions allow them to accomplish work from home. Agencies should assess employees' positions now and determine whether a telecommuting agreement is appropriate.

- 4. If certain employees are granted administrative leave due to an emergency situation, will those employees that are either on some type of paid leave or are able to work be granted paid administrative leave?**

Answer: No.

- 5. Are there other situations that may occur during an influenza pandemic that authorize agency directors to grant paid administrative leave?**

Answer: Yes, an agency director may authorize employees to be absent with pay on administrative leave during a state of emergency declared by the Governor. However, with the current pandemic, it is unknown whether it will rise to the level of a state of emergency.

- 6. If employees do not have enough leave to cover influenza pandemic-related absences, how can agencies encourage employees to remain home until completely well before returning to work?**

Answer:

- Agencies are encouraged to educate employees regarding the potential risks of an influenza pandemic and how to prepare - now!
- Educate employees to stay home when they are sick or have flu symptoms.

- 7. Are there any alternative compensation/leave policies being instituted to address this issue?**

Answer: No, not at this time.

- 8. What if an employee comes to work ill, can he/she be ordered to leave the work premises?**

Answer: Yes.

9. If an employee is absent for three consecutive days or more and does not contact his/her supervisor, can the employee be separated for abandonment?

Answer:

- Prior to separating an employee for abandonment, review the situation with your human resources representative and legal counsel.
- An employee may be unable to call in because he/she is incapacitated or because phone service in the area has been affected.
- If the employee or a member of the employee's immediate family is seriously ill, the employee may be eligible for leave under the provisions of the Family & Medical Leave Act. In an influenza pandemic situation, which most of us have not experienced before, a number of different and unanticipated events may be occurring, which could be affecting the basic infrastructure of the Valley, including telephone lines, transportation, and postal services.
- If it is determined that a separation for abandonment is the appropriate action, your human resources representative can assist you with the notification procedures.

EMPLOYMENT AND STAFFING

1. What authority has been delegated to my agency for employment decisions?

Answer: ADOA has delegated varying levels of authority to certain agencies regarding employment and staffing. Please contact your agency human resources representative for a detailed description of delegated authority.

2. Will the ADOA delegate any further employment authority to agencies?

Answer: ADOA is currently reviewing delegated authority levels and determining what, if any, additional delegated authority would be warranted under an influenza pandemic situation.

3. If our agency staff that normally operates Hiring Gateway (posting positions, reviewing resumes, preparing hiring lists, entering individuals into HRIS Payroll, etc.) is ill, is there an alternative method available?

Answer: ADOA Human Resources will provide assistance or coordinate assistance, if necessary.

4. If my employees are absent from work, what options are available to me to fill their positions on a temporary basis?

Answer:

- Temporary Appointment – allows an individual to be appointed and work for a maximum of 1500 hours per calendar year. Agencies must request a hiring list and interview 3 people.
- Emergency Appointment – allows an individual to be appointed without regard to the recruitment, evaluation, referral, or selection requirements of the Personnel Rules with the approval of the ADOA Human Resources Director. These

appointments cannot exceed 240 hours (pursuant to Personnel Rule) or 30 working days (pursuant to Arizona Revised Statute 41-783).

- Clerical Pool Appointment – allows an individual from the clerical pool to be hired noncompetitively for up to six months by an agency head. The individual may be extended for not more than three months by the central ADOA Staffing Manager.
- Temporary Agencies On Contract – there are several temporary agencies on contract with the State of Arizona that offer a wide variety of services. Review the contracts online at www.spirit.az.gov and refer to contract EPS070043 to review the specific vendors and services provided. Agencies are authorized to contact these vendors directly to obtain temporary staff in accordance with the respective contract awards.
- Short-Term Special Detail – allows an agency head to assign a permanent status employee, noncompetitively, to a short-term special detail for a maximum of six months. The employee placed on a special detail need not fully meet the position qualifications at the time of appointment.
- Transfer – allows an agency head to transfer an employee to a position in the same pay grade, in the same agency, provided the employee possesses the knowledge, skills, and abilities required for the position.
- Mobility Assignment – allows a permanent status employee to accept an uncovered position (either in his/her current agency or another agency) or a covered position in another agency for not more than 36 months with the concurrence of the ADOA Director, the employee, the agency in which employed, and the agency to which the employee will be assigned.
- Uncovered Appointments – allows individuals to be appointed to uncovered positions non-competitively; the individual serves at the pleasure of the appointing authority.

Note: Covered employees may be placed on leave without pay to accept uncovered positions. Employees are guaranteed return to their covered positions at the end of the uncovered assignments. Agencies must also follow any policies, statutes, and rules regarding appointments, background checks, fingerprinting requirements, licensure, etc.

5. If my employees are absent from work, what is the quickest way for me to fill their positions on a temporary basis?

Answer: The following appointments may be made noncompetitively (no recruiting required – eliminates posting on Hiring Gateway, soliciting resumes, reviewing resumes, interviewing, etc.).

- Emergency Appointment – contact the ADOA HR Director for approval; currently completed in 2-3 days.
- Clerical Pool – complete an online request to ADOA Human Resources; currently completed in 3 days.
- Temporary Agencies On Contract – contact vendors on state contract directly.
- Short-Term Special Detail – agency directors may assign a permanent status employee, noncompetitively, for a maximum of six months (no recruiting required), no wait (internal agency process).
- Transfer – agency directors may transfer an employee to a position in the same pay grade, in the same agency, provided the employee possesses the knowledge, skills, and abilities required for the position.

- Uncovered Appointments – may be made noncompetitively (no recruiting required – eliminates posting on Hiring Gateway, soliciting resumes, reviewing resumes, interviewing, etc.), no wait (internal agency process).

Note: Covered employees may be placed on leave without pay to accept uncovered positions. Employees are guaranteed return to their covered positions at the end of the uncovered assignments. Agencies must also follow any policies, statutes, and rules regarding appointments, background checks, fingerprinting requirements, licensure, etc.

6. Will there be extensions of time granted to emergency appointments?

Answer: No, pursuant to ARS 41-783, emergency appointments can not exceed 30 days.

7. Will there be extensions of time granted for temporary, clerical pool, short-term special detail appointments, if conditions warrant it?

Answer: The ADOA Director may waive these rules under Article 2 if it is determined that essential public services are being hampered by critical employment needs for a specific class or classes.

8. If I need to fill positions on a permanent basis, what is the quickest way to do so?

Answer:

- Noncompetitively - select any qualified reemployment, repromotion, reinstatement, voluntary decrease, or transfer candidate to fill a position. Reinstatement employees also include employees who retired and are eligible to be reinstated.
- Provisional Appointment - allow an agency to appoint a candidate while recruitment is taking place. Provisional appointments must be approved by the ADOA Human Resources Employment Manager.
- Short-term Special Detail – appoint a permanent status employee to a covered position, within the same agency, noncompetitively while recruitment is taking place.
- Transfer – agency directors may transfer an employee to a position in the same pay grade, in the same agency, provided the employee possesses the knowledge, skills, and abilities required for the position.
- Direct Hire/Waiver of 3 – may be granted by the ADOA Director authorizing an agency to appoint a qualified candidate to a position without obtaining a hiring list and without interviewing three candidates prior to making a job offer.

Note: Agencies must also follow any policies, statutes, and rules regarding appointments, background checks, fingerprinting requirements, licensure, etc.

9. Can personnel be temporarily transferred within the agency to help staff critical functions? What about from agency to agency?

Answer:

- Yes. Permanent status employees may be **transferred** by an agency director to a position in the same pay grade within the agency. Employees must meet qualifications.
- Permanent status employees may also be **noncompetitively special detailed** to positions for six months, without regard to grade or qualifications.
- Employees may request to be **transferred from one agency to another agency**, in the same grade, provided they meet the qualifications and
- Permanent status employees may also be assigned to uncovered positions under a **mobility assignment** with concurrence of the employee, the agency director, and ADOA Director. If the mobility assignment is to another agency, the concurrence of the gaining agency director is also necessary.

Note: Agencies must also follow any policies, statutes, and rules regarding appointments, background checks, fingerprinting requirements, licensure, etc.

10. Can an agency hire an employee, either temporarily or permanently, if the individual will be reporting to an immediate supervisor that is related to the individual or is related to another employee that is under the same hiring supervisor?

Answer: Yes, provided the ADOA Director grants an exception pursuant to Personnel Rule R2-5-207. Employment of Relatives.

Note: This exception does not apply to agency directors, deputy directors, or elected officials. See ARS 38-481 and ARS 38-101.

WORK SCHEDULES/ALTERNATIVE WORKSITES

1. Should agencies identify employees who can work from home or other remote locations now?

Answer:

- Yes. Decide now if employees can telecommute and prepare a telecommuting agreement, which may be used if needed. For more information on telecommuting, visit www.teleworkarizona.com. Not all positions are suited for telecommuting so this website provides information to assist supervisors in making the decision.
- Decide if employees will use laptops or their own computers and determine if they have Internet capability.
- Determine if your servers can handle everyone being online.
- Decide when you will start to give employees remote access.
- Figure out how you will protect your agency's information.

2. We have heard some information regarding scheduling employees in shifts, how will this help in the case of an influenza pandemic?

Answer: Fewer employees in more shifts mean less exposure to the illness.

3. What if a large percentage of employees become ill, what is the maximum number of overtime hours the remaining employees can be required to work?

Answer:

- There is no limit to the number of hours an employer can require its employees to work.
- Non-exempt employees are required to receive overtime in the form of pay or compensatory leave for hours worked in excess of 40 per work week.
- Covered, exempt employees are required to receive hour for hour compensatory leave for hours worked in excess of 40 per work week.
- Uncovered, excluded employees do not receive any overtime or compensatory leave.

4. Certain employees have been identified as providing critical business functions, what is the maximum number of hours these employees can be required to work?

Answer:

- There is no limit to the number of hours an employer can require its employees to work.
- Non-exempt employees are required to receive overtime in the form of pay or compensatory leave for hours worked in excess of 40 per work week.
- Covered, exempt employees are required to receive hour for hour compensatory leave for hours worked in excess of 40 per work week.
- Uncovered, excluded employees do not receive any overtime or compensatory leave.
- Prior to any type of emergency, agencies should ensure that employees providing critical business functions understand their roles and responsibilities.

5. Can you please explain social distancing as it relates to an influenza pandemic situation, what exactly is it, how will it help?

Answer: Social distancing means restricting physical contact such as handshakes, hugs, etc. It also involves limiting use of closed meeting rooms and large meetings. Employees should be educated to maintain a reasonable distance from each other as far as possible (6 feet is recommended).

WELLNESS

1. Isn't there a flu vaccine already available and will it prevent an influenza pandemic?

Answer: There is a vaccine available that prevents seasonal flu. Currently, a vaccine for H1N1 is under production and will become available mid to late October.

2. Will there be enough seasonal flu vaccine available this year?

Answer: All indications from the Centers for Disease Control are that there will be an ample supply of flu vaccine available.

Influenza viruses change from year to year, so influenza vaccines must be updated annually to include the viruses that will most likely circulate in the upcoming season. There is a very tight timeline for selecting the influenza vaccine virus strains, preparing the vaccine (which is a very complex process), manufacturing, and distributing the vaccine. Due to the time constraints, any problems encountered during the process may cause shortages or delays.

3. When will the vaccine be available for H1N1?

Answer: We anticipate the vaccine for H1N1 to be made available in mid to late October. Initially, because of small quantities of vaccine, priority will be given to those at high risk of complications for H1N1 influenza. Eventually, there will be enough vaccine for everyone who would like to receive it.

4. When the H1N1 vaccine is available, will it be offered free to employees on their health plan? Where will employees be able to get vaccinated?

Answer: Once the State is able to obtain the vaccine, the Wellness program will make every effort to make it available to employees. At this time, it is not known whether the H1N1 vaccine will be free to employees. If employees are in one of the priority groups, they should see their healthcare provider to ask about vaccination.

5. We've been told there is an anti-viral available to reduce the effects of the flu. Will it reduce the effects of an influenza pandemic? If so, will the health plan cover it?

Answer: There are anti-virals available that reduce the effects of the seasonal and H1N1 influenza. These anti-virals require a prescription from a healthcare provider. Please have employees seek advice from their healthcare provider on whether they need anti-virals. Employee health plans will provide information regarding covering the prescription.

6. What is the difference between a vaccine and an anti-viral medication?

Answer:

- **Vaccines** prevent illness. Vaccines produce antibodies against the virus it is made for, providing immunity against the virus. While there is currently a vaccine for the seasonal flu, there is not a vaccine for an influenza pandemic.
- **Anti-virals** are medications used for the early treatment of influenza. Anti-virals work by reducing the ability of the virus to reproduce but do not prevent or provide immunity against the virus. If taken shortly after getting sick (within 48 hours), anti-virals can reduce influenza symptoms, shorten the length of illness and reduce the serious complications of influenza. Anti-virals will likely be the

only medical intervention available during the initial influenza pandemic response.

7. If an influenza pandemic materializes, what can employees do to reduce their risks?

Answer: The Arizona Department of Health Services advises:

- Stay informed through regularly updated information about bird flu and pandemic flu.
 - [Arizona Department of Health Services](#)
 - [World Health Organization](#)
 - [Centers for Disease Control and Prevention \(CDC\)](#)
 - Key facts about swine influenza
 - Spread of avian influenza viruses among birds
 - Avian influenza vaccines
 - Avian influenza A viruses
 - Information on the vaccine development process: [National Institutes of Health](#)
- Stop germs from spreading.
 - Cover your mouth and nose with tissue when coughing and sneezing or cough into your arm or sleeve.
 - Wash your hands often. Hand sanitizers are also effective.
 - Stay home when you are sick.

8. How can employees have two to three months of their on-going maintenance medications available in case they need to stay home during an influenza pandemic?

Answer: A convenient and less expensive mail-order service is available for members who require medications for ongoing health conditions or who are going to be in an area with no participating retail pharmacy for an extended period of time. It is suggested that employees set this up prior to an influenza pandemic. Guidelines and instructions for setting this up can be found on the Benefit Options web site www.benefitoptions.az.gov or by calling a benefits representative.

HEALTH INSURANCE AND OTHER BENEFITS

1. Will the State employees' health plan cover medical expenses associated with an influenza pandemic?

Answer: Yes, the health plan will pay for costs associated with an influenza pandemic, as long as employees and their dependents are covered on the plan.

2. If employees are ill and apply for short term disability benefits, will short term disability benefits be reinstated if they become reinfected?

Answer: Yes, if employees are reinfected within 30 days. If employees are reinfected **after** 30 days from the day they returned to work from the first infection, they will need to reapply for benefits.

3. Will the health plan cover anti-virals if an employee's physician prescribes it?

Answer: Yes. Anti-virals will lessen symptoms if started early in the course of the disease. In special circumstances, they can also be prescribed by healthcare providers to prevent employees from becoming infected with influenza if they are exposed to someone who is sick. Prophylaxis is not appropriate for everyone, so please have employees seek advice from their healthcare provider.

EMPLOYEE SERVICES

1. Should an influenza pandemic strike Arizona, what assistance will be available to help employees cope with its impact emotionally and financially?

Answer: The State of Arizona provides resources to help employees and eligible dependents cope through its Employee Assistance Programs (EAP). The EAP provides free, confidential, short-term counseling to help identify concerns. When needed, the EAP may refer employees to an outside program that can assist them and/or their dependents.

Employees can reach their agency's employee assistance program at the numbers listed below:

• AHCCCS	ComPsych	866.379.0245
• Education	EAP Preferred	602.264.4600
• DEQ	ComPsych	800.272.7255
• DES	ComPsych	888.243.8200
• DOT	Contact	800.222.8335
• DOC	On-site Assistance	520.623.5832 x 220
• ADOA*	ComPsych	877.327.2362

* Agencies not specifically listed above should call the ADOA office number.

2. What financial resources are available to employees facing financial hardship during an influenza pandemic?

Answer:

- Employees may apply to Employees Helping Employees (EHE) for financial assistance. Employees generously contribute to EHE, an employee-run foundation that helps employees when they need short-term financial assistance. Additional information can be obtained at <http://www.azehe.org>.
- Employees may also find Community based resources through the Work/Life web site at <http://www.hr.state.az.us/worklife> and then click on Resources and then Community Resources. There are a number of emergency community based resources listed.

COMMUNICATION

1. Will there be a primary source of information for employees and health plan members (i.e., hotline, web site)?

Answer: Development of hotlines, employee blogs, web sites, etc. is currently being discussed. More information will be shared as developments occur.

2. When should I begin educating employees regarding the potential of an influenza pandemic?

Answer: Agencies are encouraged to educate employees regarding the potential risks of an influenza pandemic and how to prepare - now! Preparation should include planning for potential illnesses and the need for leave should employees or their family members become ill.

3. Do state agencies need to plan for an influenza pandemic?

Answer: Yes. In the event of a pandemic, agencies will play a key role in protecting employees' health and safety as well as limiting the negative impact to the economy and society. Planning for an influenza pandemic is critical. To assist agencies in their efforts, the Arizona Department of Health Services has developed a checklist which identifies important, specific activities agencies can do now to prepare. The checklist can be obtained at <http://www.azdhs.gov/pandemicflu>.

4. I understand that employees can be required to work overtime beyond their normal work hours. What is the best way to approach employees during these situations, particularly those employees who provide critical business functions?

Answer:

- Each situation requires review and determination as to the best approach.
- Do employees performing critical business functions know and understand their roles and responsibilities; have they been told that they perform a critical business function and what the expectations may be during an emergency?
- While there is no limit to the number of hours an employer can require its employees to work, if the situation allows, an employer may ask for employees interested in volunteering for overtime first.
- Non-exempt employees are required to receive overtime in the form of pay or compensatory leave for hours worked in excess of 40 per work week.
- Covered, exempt employees are required to receive hour for hour compensatory leave for hours worked in excess of 40 per work week.
- Uncovered, excluded employees do not receive any overtime or compensatory leave.
- Agencies should ensure that employees providing critical business functions understand their roles and responsibilities.