



DELAWARE

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HR ISSUES

Flu got you blue?

by Lauren E.M. Russell

It's that time of year again — time to revisit your business's pandemic policy to make sure you're prepared for the 2015 cold and flu season. During this flu season alone, Delaware has recorded 19 deaths, the highest rate in five years. Here are some measures to consider.

Pandemic policies

Employers can combat a pandemic in several ways. First, consider offering free flu vaccinations. The Delaware Division of Public Health has noted that only one-third of the 19 people who've died from flu-related complications this season had been vaccinated. Flu vaccines are important, especially for at-risk populations such as people with chronic health issues and the elderly.

The first line of defense against a widespread flu outbreak in your office is your handbook. Have a clear pandemic policy in place. If your business doesn't have one, consider one of the many policies available online, from your attorneys, or from HR consultants. If you already have a policy, make sure your employees are properly trained to comply with it. A policy won't work if

employees don't follow it!

What should your pandemic policy include? There are several key considerations:

1. **Preparedness plan.** Before a pandemic hits, consider who your essential employees are. Develop methods to avoid face-to-face contact with infected employees. Communication plan. HR should have a way to disseminate information. This process may be similar to the method used for weather-related or emergency closures.
2. **Sick leave.** Infected employees should be placed on sick leave to prevent the infection from spreading. Employees who have exhausted their other forms of leave should be provided additional leave in a nonpunitive manner to preserve the health of others.
3. **Technological adaptation.** If your business permits, consider implementing telecommuting or other ways of facilitating remote work.
4. **Infection control.** Implement infection control methods, and educate your employees. Providing free hand sanitizer and tissues and encouraging frequent hand washing are ways to limit the spread of germs if employees cannot work remotely.

Other considerations

Being prepared is important when faced with the possibility of a widespread flu outbreak in your workforce, but don't let your zeal put you on the wrong side of the law. Some groups refuse to be vaccinated based on religious or other sincerely held beliefs. If your company requires flu vaccinations or other immunizations, keep in mind that employees with religious objections may be entitled to reasonable accommodations under certain circumstances.

Similarly, all illnesses raise concerns under the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA). The federal government has published guidance to assist employers in complying with the law while protecting their employees' productivity and health. Consider visiting the Equal Employment Opportunity Commission's (EEOC) website (www.eeoc.gov/facts/pandemic_flu.html) or the U.S. Department of Health and Human Services' (HHS) website (www.flu.gov) for additional information.

Bottom line

In today's ever-more-connected world, pandemics are a reality of life, but they don't have to cripple your business. Have a well-thought-out plan in place before an outbreak occurs, and be flexible when implementing leave policies and other practices to ensure that your business can function while accommodating sick employees.

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