

PANORAMIC VIEW: DON'T BE CAUGHT UNPREPARED FOR PANDEMIC CHALLENGES

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In their highly-scrutinized, time-sensitive business, contractors must often “plan for the worst, but hope for the best.” However, many employers are hoping for the best without really planning for the possible business disruption and legal exposure if this spring’s mild H1N1 “Swine Flu” pandemic becomes more deadly during the Fall Flu Season.

Part of every employer’s strategy in dealing with the H1N1 flu and a potential pandemic should include: (a) following the guidance from the CDC and other public health services, (b) designating specific individuals to answer all questions involving the H1N1 flu (after consultation with medical and legal counsel) so that the company will act in a consistent and thoughtful fashion, and (c) planning ahead for potential disruption and response to employee, customer, and contractor concerns. The following checklist outlines actions employers should consider in their preparation.

- Develop a response plan, including how to respond to employees who may develop the flu or flu-like symptoms. Understand ADA and other legal requirements.
- Analyze business activities, including contractor and vendor preparedness, the effect on attendance caused by employee illness or fears, school closings, and disruption of public transportation.
- Review pertinent safety policies and practices, including personal hygiene, blood-borne pathogens, PPE, and respiratory protection.

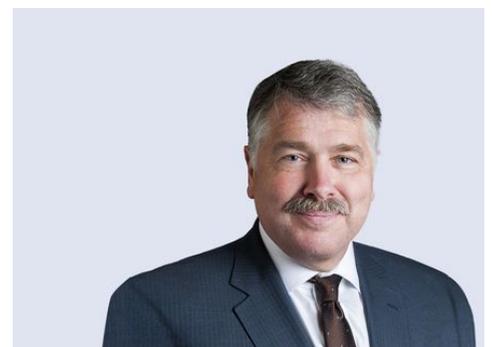
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- Maintain and test an emergency communications procedure and systems, including where access may be denied to the home office or jobsites.
- Revise telecommuting policies, including wage-hour, confidentiality, and electronic security.
- Revise attendance, leave, vacation or paid-time-off policies, and consider the effect of 40-percent absenteeism.
- Revise “no loans” and “no pay advances” policies, and 401(k) hardship withdrawal procedures. Consider addressing unfunded liabilities, such as for short-term disability and salary continuation programs.
- Revise travel policies in compliance with public health guidance.
- Prepare for how to handle employees who refuse to travel or to come to work.
- Develop a relationship with an occupational healthcare provider or consider hiring a company physician or nurse.
- Provide employees with free or discounted flu shots and other wellness services.
- Stockpile essential items, but do so prudently and lawfully.
- Review policy statements, handbooks, contracts, insurance-related documents, and collective bargaining agreements for force majeure-type clauses.

This information is not intended to be legal advice or all-inclusive, but is a start to one’s planning.

Employers should act in a measured fashion which reflects the needs of the company and the constantly changing guidance provided by the public health service.

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