

**MEMORANDUM OF AGREEMENT**

**BETWEEN**

**THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**AND**

**AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES COUNCIL 222**

**Subject:** THE 2009-2010 H1N1 Health Emergency

**Scope:** The impact and implementation of Deputy Secretary Ron Sims' letter, dated 08/31/2009.

**PREAMBLE:**

To protect employees and their families during the 2009-2010 Health Emergency, Deputy Secretary Ron Sims' on August 31, 2009 issued Interim Guidance for 2009-H1N1 Pandemic Influenza Mitigation. One of the key components of this guidance involved increasing the use of telework available for eligible employees who are affected by the 2009-2010 H1N1 Health Emergency. The parties agree that the health and safety of employees and their families is critical to the mission of the Department, and that all reasonably available means should be employed to protect them from airborne and communicable disease.

In addition, the parties agree:

- That certain negotiated agreements protecting employees and their families apply to the 2009-2010 H1N1 health emergency. These include, but are not limited to, Article 26 of the Agreement between: U.S. Department of Housing and Urban Development and American Federation of Government Employees AFL-CIO and Supplement 99 to the agreement.
- That full consideration should be given to guidance concerning the 2009-2010 H1N1 Health Emergency from the Office of Personnel Management (OPM), the Department of Health and Human Services (DHHS), and the Center for Diseases Control (CDC).
- To fully inform employees of the measures taken to mitigate the spread of communicable disease during the 2009-2010 H1N1 Health Emergency.

To further these goals, the parties agree to the following provisions:

- 1. Supplement 99:** Management agrees that the provisions of Supplement 99 apply for the duration of the current H1N1 Health Emergency.
- 2. Working at an Alternative Worksite:** All employees of HUD, including employees on leave restriction, meeting the criteria in the Interim Guidance for 2009-Pandemic Mitigation are eligible to work at an alternative worksite for five to ten days. Requests beyond ten days shall be evaluated on a case-by-case basis by the employee's supervisor using the same criteria. In the event that an employee is exposed a second time, their request will be evaluated in the same manner as is used for the initial request.
- 3. Alternative Work Assignments:** Managers and supervisors should make every effort to identify alternative work assignments, including cross programmatic work that can be accomplished from home in the event an employee's normal work duties cannot be completed at home.
- 4. Dependent Care:** Consistent with OPM guidance, the parties agree that, during the 2009-2010 H1N1 Health Emergency, employees shall be allowed to work at an alternative worksite while providing dependent care for someone affected by H1N1 if the sick person requires minimal supervision.
- 5. Changes in office operations:** The parties agree that changes in office operation (i.e. closures) due to the 2009 H1N1 influenza will be communicated to affected employees through normal office closure notification procedures. Information will be communicated as expeditiously as possible.
- 6. Housekeeping and Sanitation:** Steps shall be taken to ensure work environments minimize the risk of illness of employees. The provisions of Article 18 of Supplement 99 apply.
- 7. WebTA:** During the H1N1 Health Emergency, Management will ensure an employees' time and attendance information is properly input and validated in the event an employee is unable to access the system.
- 8. Information on HUDweb:** All guidance regarding H1N1 on HUDweb will also contain this memorandum of understanding and Supplement 99, for the duration of the 2009-2010 H1N1 Health Emergency.

- 9. Definition of Days:** The parties agree that "days" as stated in the Interim Guidance for 2009-Pandemic Influenza Mitigation and this Memorandum of Understanding refers to working days.
- 10. Transit Subsidy:** Current transit subsidy policy shall apply. During the H1N1 Health Emergency, there shall be no adverse impact on an employee's transit subsidy due to working from an alternative worksite.
- 11. Union Representation:** Serving as a union representative does not disqualify an employee from working at an alternative worksite during the current H1N1 Health Emergency. In accordance with applicable rule, law, regulation, and negotiated agreement, union representatives meeting the criteria in the Interim Guidance for 2009-Pandemic Mitigation are eligible to work at an alternative worksite for five to ten days. Requests beyond ten days shall be evaluated on a case-by-case basis by the employee's supervisor using the same criteria.
- 12. High Risk Employees:** If it is necessary for a high risk employee, who is eligible to work at an alternate work site, to work at an alternative worksite for more than ten days, requests shall be sent to the Disability Program Manager (DPM). If possible, determinations shall be made from existing medical information. If medical information is required, the DPM shall notify the employee. The employee shall remain working at an alternative worksite until a determination has been received.
- 13. Local Bargaining:** In accordance with Article 5 of the HUD/AFGE Agreement, upon the Union's request, Management agrees to engage in local bargaining regarding any impact not negotiated at the national level.
- 14. Medical Certification:** It is agreed that all requests for working at an alternative worksite beyond ten days will be evaluated on a case-by-case basis by an employee's supervisor, and requests in excess of five days will require the employee to provide a medical certification, or a statement from the employee of the nature of the absence and why a medical certificate cannot be furnished, that a member of his/her household is or could be affected by H1N1. Supervisors shall make determinations in this regard based on medical information provided in accordance with Article 24 of the HUD/AFGE Agreement, the Interim Guidance regarding 2009-H1N1 Pandemic Mitigation, and applicable laws and regulations.
- 15. Exposure (definition):** Has known, recent exposure to others with the H1N1 virus.

**16. Advanced Sick Leave:** In accordance with 5 CFR Part 630, at the agency's discretion, a maximum of 30 days sick leave may be advanced for a serious disability or ailment of the employee or a family member.



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Mark Zaltman  
Chief Negotiator, LER

11/10/09  
DATE



Timothy Oravec  
Chief Negotiator  
HUD Council of Locals 222

11/10/09