

AUTHORITIES FOCUS ON FLU CONTINGENCY PLANS

The U.S. Department of Health and Human Services' Centers for Disease Control and Prevention recently issued new guidance for employers on planning for and responding to the seasonal flu and the H1N1 virus, or swine flu. The CDC's primary focus is on preventing, or limiting, the spread of the flu in the workplace and making sure that businesses can continue to operate should a pandemic develop. Portions of Middle and West Tennessee are already experiencing widespread flu outbreaks, which may worsen as the weather turns colder. Employers are urged to have realistic contingency plans in place should this year's flu season reach pandemic proportions.

The CDC urges all employers to keep in mind these objectives:

- Reducing flu transmission among employees;
- Protecting high-risk individuals from contracting the flu; and
- Maintaining business operations during periods of flu outbreak.

If this year's flu season is comparatively not severe, the CDC recommends that employers:

- Advise sick employees to stay home until at least 24 hours after they are free of fever, or signs of a fever;
- Separate sick employees at the workplace from other employees, if possible, and advise and permit sick employees to go home;
- Alert employees of the importance of covering coughs and sneezes;
- Advise employees to wash their hands regularly and, generally, encourage good employee hand hygiene by maintaining and making readily available hand soap and/or alcohol-based hand sanitizers;
- Frequently and thoroughly clean all commonly touched surfaces, such as countertops and doorknobs;
- Encourage employees to get vaccinated for the seasonal flu and the H1N1 virus and, if possible, offer vaccinations at the workplace;
- Implement special measures to protect employees who are at higher risk for complications, such as pregnant women and people with diabetes or heart disease;
- Prepare for increased employee absenteeism as a result of employee illness and illness within employees' families;
- Plan for the continuation of essential business functions in light of increased employee absenteeism;
- Advise employees of health-related precautions in advance of employee travel; and
- Prepare for possible school dismissals and/or child care program closures.

In the event this year's flu season is comparatively more severe, the CDC recommends consideration of additional measures, including:

- Screening employees upon their arrival to the workplace;
- Allowing alternative work environments for employees at higher risk for complications, such as telecommuting and/or employee reassignments;
- Increasing the physical distance between employees in the workplace; and
- Cancelling non-essential business travel.

The CDC encourages employers to monitor key indicators relative to flu outbreaks from state and local health departments in their communities.

Banks and other employers that have already developed pandemic plans (whether general or flu-specific plans) should review and revise those plans in light of the updated guidance. Those without a pandemic plan should put one in place. Regulatory authorities (especially bank regulatory authorities) are expected to focus on preparedness planning during upcoming examinations.

If you have any questions or if you could use some help with your plan, please contact the author of this Alert, [Adam Smith](#) at agsmith@millermartin.com, [Dan Gilmore](#) at dgilmore@millermartin.com or any other member of Miller & Martin's [Financial Institutions](#) or [Labor & Employment](#) Practice Groups.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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