

AGREEMENT BETWEEN JERSEY SHORE UNIVERSITY MEDICAL CENTER,  
AND, HEALTH PROFESSIONALS AND ALLIED EMPLOYEES, AFT/AFL-CIO

This Agreement, made this 30 day of November, 2009, is by and between JERSEY SHORE UNIVERSITY MEDICAL CENTER, ("EMPLOYER") AND, HEALTH PROFESSIONALS AND ALLIED EMPLOYEES, AFT/AFL-CIO ("UNION").

**Whereas**, the Health Professionals and Allied Employees, AFT/AFL-CIO ("HPAE") is the current certified bargaining agent of RNs that qualify for inclusion into the bargaining unit; and

**Whereas**, The Union and the Employer desire to develop a process to respond to an Emergency declared by the State of New Jersey in response to a Pandemic Flu outbreak; and

**Whereas**, the parties recognizes in order to respond in an expeditious and efficient manner for the safety and health of the patients and employees during such declared State of Emergency that there needs to be a change from the normal terms and conditions of employment within the collective bargaining agreement ("CBA"); and

**Therefore** agreed to by and among the parties the following:

1. Only in an emergency declared by the State of New Jersey in response to a Pandemic Flu outbreak, will the deviations outlined herein to the CBA occur, and only for the duration of the declared state of Emergency. Unless specifically included herein, all other terms and conditions of the CBA shall continue in full force and effect.
2. The Employer shall notify the Union immediately upon the decision to initiate any of the deviations to the CBA outlined below and shall consult with the Union throughout the declared state of Emergency.
3. An employee is required to report to work during a declared state of a emergency for a Pandemic Flu outbreak, with the exceptions of personal illness or if required to care for an ill family member. A family member is defined as mother, father, domestic partner, spouse or child or any individual under the direct care of the employee living in the household. (Exceptions: ADA, FMLA, NJFLA, other state mandated regulations)
4. "An unscheduled absence is defined as a failure to report to work on a scheduled work day or a series of work days without gaining the approval of the appropriate manager or supervisor at least 24 hours in advance". Section 8.10 ESL Guidelines and Other Guidelines .

5. “Employees are required to schedule the use of PTO days. Each unscheduled absence will be recorded. Employees who exceed established guidelines for unscheduled absences will be subject to disciplinary action. The employer has established guidelines in the handling of call outs in a letter post dated 11/18/2002 Re: Clarification of Human Resources Policies Unscheduled Absences and Disciplinary Action. (attached)Any documentation, whether obtained in person or prescribed over the phone, submitted as proof of illness or injury must contain that the employee was given a prescription for treatment.” Section 8.10 PTO Guidelines
6. After contacting Meridian Connect, an employee may access ESL when the employee has been out ill for more than three (3) consecutive days.
7. Absences taken and charged to ESL will not be used for discipline.
8. Consistent with CDC guidelines an employee who develops flu like symptoms should stay home from work until the employee has been afebrile for 24 hours without the use of fever reducing medicines to minimize the spread of the infection.
9. If an employee develops flu like symptoms while at work, he/she will be sent home by occupational health to minimize the spread of the infection.
10. PTO/ESL payments will apply throughout the period of absence consistent with the CBA. The employee is expected to keep his or her manager apprised of their health status and maintain communication with Meridian Connect.
11. No employee will be disciplined in connection with a level I or II infraction without review and consultation taking place with the Vice President of Human resources or his / her designee.

**12. Work Schedules:**

- a) The Employee may have all PTO suspended pending the cessation of the declared State of Emergency. In the event an employee has pre-booked vacation plans, they will be permitted to use their PTO.
- b) The employee will not work more than sixteen (16) hours in a twenty-four (24) hour period. The Employee working extended hours will be provided respite time and areas to sleep, bathe and contact family members.
- c) Meridian Health may redefine a work-day, work-week and/or overtime in response to a public health emergency in accordance with state & federal wage & hour laws during a declared state of emergency. An employee will not be reduced in rate of pay or lose benefits as a result of any redefined work. Employees who change from one shift to another shall receive the appropriate shift differential for that shift or keep their current shift

differential whichever is greater. The employer will give as much notice as possible under the circumstance.

- d) Mandatory Overtime –Overtime may be mandated in accordance with the standards, procedures and exemptions outlined in NJ 34:11-56a31.

## **11. Assignment/Re-assignment**

- a) An employee who makes an informed decision not to accept a medical countermeasure such as anti-viral medication or Flu vaccine may be re-assigned to another department or placed in the float pool.
- b) Reassignment may also occur for an employee who fails a fit test and is therefore unable to properly utilize a respirator to protect them, when providing care to an infected patient.
- c) Continuity of Meridian Health operations will require the employee to be flexible and reassigned based on need; at times, this may require night shift work or weekend work.
- d) During the Pandemic an employee may be subject to reassignment to a different role, functions or a change in work location within JSUMC
- e) During the Pandemic an employee cannot be mandated to work in any other Meridian Health Care Facility but may volunteer to do so.
- f) Employee re-assigned to other departments will identify any skill deficiencies to the appropriate person in charge. The Employee may receive just-in-time training, or may be required to provide services/care based on their skill level. An employee will not be disciplined while working outside his or her normal job duties or department.
- g) An Employee in remote locations may be called upon to provide clinical and non-clinical services in the event there is state mandated emergency.
- h) An Employee may be utilized to the level of their credentials/skills. This may include for example, administrative and managerial team members as well as practitioners whose services have been decreased or stopped as a result of the pandemic.
- i) An Employee may submit notice from his or her health care provider, to the Employer that he or she is in a high risk group as defined by Occupational Health. An employee once identified as being part of a high risk group, (e.g. imunocompromised, pregnant) will be given consideration for re-assignment. High risk employees may include those that have a contraindication to medical measures such as anti viral

medications or vaccine\*, are unable to safely wear a mask or respirator or have some other medical condition that puts them at higher risk.\*\* as defined by Occupational Health and consistent with CDC recommendations. Such notice shall state that the Healthcare provider has read Occupational health's definition of a High Risk group and that the Employee is part of the group. The employee is not required to disclose the specifics of their membership in a high risk group as defined by Occupational Health.

*\*An Employee who decides not to accept the flu vaccine will be asked to sign a declination providing the reason (s) why they will not be inoculated to the Occupational Health Department.*

*\*\*All male employees are required to be clean shaven for accurate fit testing purposes.*

## **12. Return to work / Normal status**

- a) A team member must be afebrile (without a fever) for twenty-four (24) hours, without the use of fever reducing medication, prior to the return to work after contracting the flu. Additionally, an employee must provide clearance from Occupational Health. At no time should an employee return to work without medical clearance from Occupational Health.
- b) Upon notification from the State of the cessation of the state of emergency any employee affected will return to his / he normal work assignment as quickly as possible.
- c) All approved time off that has not past the date of the time requested will be honored

## **13. Prophylaxis**

### **a) Following the CDC Recommendations employees are encouraged to**

- Take the flu shot
- Avoid touching your eyes, nose & mouth
- Wash hands frequently with soap and water
- Cough and sneeze into a tissue
- Stay at least six feet away from people who are sick, if possible
- Stay at home if you are sick