

## **Memorandum of Understanding**

The following constitutes an agreement between the Department of Veterans Affairs, Veterans Health Administration (VHA) and the American Federation of Government Employees, (AFL-CIO) National Veterans Affairs Council #53 on VHA Directive 1192, "Seasonal Influenza Prevention Program for VHA Health Care Personnel."

### **The following procedures shall apply to AFGE bargaining unit employees:**

1. The Department will notify all bargaining unit employees about the Seasonal Influenza Prevention Program.
  - a. Each facility will provide notification to bargaining unit employees on the influenza vaccination program prior to October 1 of each year.
  - b. Bargaining unit employees who begin work after November 30 will receive notification of the Influenza Prevention Program in their internal appointment/orientation documents.
  - c. Bargaining unit employees may decline to be vaccinated against influenza for any reason. The employees will check the applicable box from Appendix B of VHA Directive 1192 indicating whether or not they received an influenza vaccination. If an employee prefers not to disclose his or her reason for declining the seasonal flu vaccination, he or she should check the box marked "I have another reason" and indicate in the space provided that he or she prefers not to disclose their reason.

### **2. Vaccination**

- a. Bargaining unit employees vaccinated by non-VA providers will fill out Appendix B indicating that they have been vaccinated and provide that form to Occupational Health Staff.
- b. Bargaining unit employees that received their vaccination prior to facility leadership notifying the employees of their required participation in the 2017 Seasonal Influenza Prevention Program may attest to their seasonal influenza vaccination and need not provide medical documentation.
- c. Outside of the requirements for filling out Appendix B, the Department will not ask bargaining unit employees whether or not an employee has or has not received the influenza vaccination.

3. **Declinations.** The signing of Appendix B does not waive bargaining unit employee's rights to privacy on the disclosure of being vaccinated or declining an influenza vaccination.
4. **Employees in the Violation of this Directive.** The Department agrees to follow Article 14 Disciplinary Actions of VA/ AFGE Master Agreement and applicable government-wide regulations and/or law.
5. By filling out Appendix B of VHA Directive 1192, the employee is not authorizing the release of their medical information to anyone other than Occupational Health Staff.
6. Bargaining unit employees are not required to complete the release of information form, VA Form 10-5345. Medical Information which Occupational Health is not permitted to divulge in Appendix B in the Seasonal Influenza Prevention Program will not be used against the employee unless the employee signs the VA Form 10-5345. Occupational Health Staff will not report the information contained in Appendix B, or any information that would allow an employee to be identified by their influenza vaccination status, unless the employee completes VA Form 10-5345.
7. In addition to the provisions of this MOU, occupational health records will be maintained in compliance with OPM System of Records Notice GOV-10 (applies to Title 5) the Employee Medical File System Records 08VA05 (Title 38) and any other applicable laws, regulations.
8. On the first day that the Union represents an employee, a newly hired Veterans Health Administration bargaining unit employee, who begin to work after November 30<sup>th</sup>, shall be provided 2 weeks to complete Appendix B, from VHA Directive 1192 Seasonal Influenza Prevention Program for VHA Health Care Personnel.
9. Upon request, the AFGE Local Union may receive aggregated information from Occupational Health with respect to Veterans Health Administration employees filling out Appendix B Form. If an employee fills out the VA Form 10-5345, management will not release medical information to the Union. The Union does not waive its right to request such information under Section 7114(b) of the Federal Service Labor Management Relations Statute.
10. Upon their receipt the appropriate management official shall provide a copy of this MOU to the AFGE Local President. The AFGE Local President may annually provide a copy of this MOU to its bargaining unit by use of VA Outlook or successor system.

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10/23/18  
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