

MEMORANDUM OF UNDERSTANDING

1. The following agreement is between the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) and the National Federation of Federal Employees (NFFE), VA Council of Consolidated Locals (Union) in regard to revised VHA Directive 1192.01, Seasonal Influenza Vaccination Program for VHA Health Care Personnel.
2. Consistent with VHA Directive 1192.01 VHA Facility Employee Occupational Health personnel, including any employee assigned to assist Occupational Health during influenza season, will not identify individuals according to their vaccination status or otherwise indicate whether an individual has been vaccinated unless otherwise authorized by law, or that individual has provided a qualifying authorization permitting the disclosure on VA Form 10-5345 Request for and Authorization to Release Health Information. Completion of VA Form 10-5345 is voluntary. Signing the Authorized to Release Health Information form does not waive, void, or otherwise surrender any other right to privacy an employee may have under applicable law.
3. Department employees, including bargaining unit employees, will comply with all laws, rules and regulations related to individual privacy when administering VHA Directive 1192.01.
4. Consistent with this Directive and VHA Directive 1013, the Department will provide an influenza vaccination to health care personnel who request to receive a vaccination through their facility's Occupational Health Service. Employees who experience an adverse outcome from a Department provided influenza vaccination can file an OWCP claim with the Department.
5. Consistent with VHA Directive 1192.01 the Department will notify Health Care Personnel each year that they are required to participate in the seasonal influenza program and that health care personnel who fail to comply with VHA Directive 1192.01 may face disciplinary action up to and including removal from federal service. When administering any disciplinary action for non-compliance with this Directive, the Department will follow all laws, rules, regulations and the NFFE master collective bargaining agreement in effect at the time disciplinary action is taken. The Department will also notify health care personnel once the annual influenza vaccination becomes available. Additionally, VHA Directive 1013 (Prevention and Control of Seasonal Influenza with Vaccines) provides that any health care personnel who receives an influenza vaccine from the Department must receive information about the vaccine (e.g., CDC Vaccine Information Statement: <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html>).
6. Annually and prior to implementation of the Seasonal Influenza Prevention Program, bargaining unit employees will be provided the following information:

- a. Dates when the influenza vaccination is available
 - b. Procedures for receiving the influenza vaccination offered by the Department
 - c. Procedure for submitting documentation of an influenza vaccination obtained outside of occupational health
 - d. CDC Vaccine Information Statement (VIS), which generally includes the following information:
 - i. The risks and benefits of influenza vaccine.
 - ii. Symptoms of influenza and reasons to be vaccinated
 - iii. The National Vaccine Injury Compensation Program:
<https://www.hrsa.gov/vaccine-compensation/index.html>
7. Influenza resources for health professionals, including a copy of VHA Directive 1192.01 can currently be found at <https://www.publichealth.va.gov/flu/professionals/index.asp>. A copy of this Directive as well as related VHA Directive 1013 are also available where VA publications are found, which is currently at <https://www.va.gov/vhapublications/publications.cfm?pub=1>.
8. Subject to the requirements of 5 U.S.C. § 7114(b)(4), NFFE may request data related to the Department's implementation of the Directive. Upon request, NFFE-VAC National President and Local Presidents will be provided aggregate data on employees related to VHA Directive 1192, Seasonal Influenza Prevention Program, in accordance with Article 2, Section 7 of the NFFE/VA Master Agreement. Aggregate data is data normally maintained by the Department in the regular course of business and may include but is not limited to things like the number or percentage of employees compliant and non-compliant with the Directive, the number or percentage of employees receiving vaccination, the number or percentage of employees with a qualifying exemption, or the number or percentage of employees who reported adverse effects from vaccination.
9. The Department's plan for handling a shortage of an influenza vaccine is outlined in Appendix B of VHA Directive 1013 (Prevention and Control of Seasonal Influenza with Vaccines).
10. Consistent with VHA Directive 1192.01, Appendix A, Paragraph 5d, face masks for unvaccinated health care personnel will be made available at VHA facilities. Masks necessary for employee compliance will be kept in sufficient supply and in reasonably accessible areas where health care personnel are required to wear masks. Employees should notify their immediate supervisor or other appropriate management official when they believe there is an insufficient supply of masks. Employees who exercise medical or religious exemptions to the influenza vaccination will be provided masks and any other Personal Protective Equipment (PPE) as deemed necessary by the Department.

11. If the Department authorizes or requires employees to submit VA Form 10-9050 (Appendix B) and supporting documentation electronically, it will provide instructions for doing so.
12. Outside the requirements for completing appendix B, the Department will not ask bargaining unit employees whether they have received an influenza vaccination or otherwise attempt to discover whether an employee has or has not received the influenza vaccination. This does not preclude the Department from ascertaining whether an employee is compliant with the Directive.
13. If a local facility establishes an influenza committee for employees, NFFE's designated local safety and health representative will be invited to participate and may provide input regarding such things as the local roll out of the influenza program.
14. When an employee is required to submit Appendix B to their supervisor for signature, they may do so either in person or through their VA email account. If the employee submits Appendix B to their supervisor by email, the employee is responsible for maintaining some proof of email delivery. Employees should utilize delivery and read receipt functions to verify delivery and receipt of Appendix B.
15. Copies of this MOU will be distributed by the appropriate local Management official to the NFFE Local President on completion. This MOU will be posted on the VA LMR website.
16. This MOU does not preclude the Department from making future changes to the Directive. If the Department makes a change to this Directive that triggers a contractual or statutory duty to bargain, the Department will meet its bargaining obligations related the changes made. Further, this MOU will automatically terminate when the Directive is cancelled or rescinded.

10/30/2023

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Kurt P. Martin
Deputy Director, LMR
Signed by: Department of Veterans Affairs

10/30/2023

X Jeffrey Shapiro

Jeffrey Shapiro
President, NFFE-IAM, DVA Council
Signed by: Jeffrey J. Shapiro 535490

X James A. Zeveski

James Zeveski
Labor Relations Specialist, WMC
Signed by: Department of Veterans Affairs