

The following constitutes a Memorandum of Understanding (MOU) between the Department of Veterans Affairs (VA), the Veterans Health Administration (VHA) and the National Association of Government Employees (NAGE) concerning VA Directive 1192, *Seasonal Influenza Prevention Program for VHA Health Care Personnel*.

1. NAGE Bargaining Unit Employees (BUEs) will be provided information on how to access resources, including possible side effects and counter indications of the Flu Vaccine. Each facility will provide notification to bargaining unit employees on the influenza vaccination program prior to October 1st of each year.
2. Prior to any employee being injected with the Flu vaccine by the Department, employees will be advised of all ingredients including but not limited to mercury/Thimerosal, in the vaccine and of any potential side effects and contraindications. Upon request from the employee the Department will provide a written copy of all the ingredients and potential side effects (package insert).
3. Employees may receive the flu vaccine from a source of their choice, to include but not limited to the Department, their Primary Care Provider, public sector Clinic, Pharmacy or any other non-Department entity that gives the flu vaccine.
4. Upon request, the Department will provide data, relative to VHA Directive 1192, that is normally maintained in the regular course of business, reasonably available and necessary for full and proper discussion, understanding and which does not constitute guidance, advice, counsel or training provided for management officials or supervisors relating to collective bargaining.
5. Workgroups, established at the National or Local level, consistent with Article 44, Section 2, concerning VA Directive 1192, Seasonal Influenza Prevention Program or subjects related to, NAGE will be permitted to have two representatives.
6. When available, Bargaining Unit Employees will be provided instructions on how to submit VA Form 10 9050 and supporting medical documentation electronically. Electronic reporting will not be mandatory.
7. Bargaining Unit Employees who experience flu like symptoms may seek treatment through occupational health consistent with Article 45.
8. Bargaining Unit Employees that experience flu like symptoms may request leave consistent with Article 17.
9. Masks provided to Bargaining Unit Employees as a result of VHA Directive 1192 shall comply with 29 CFR 1910,132 and Article 44 of the Master Agreement.
10. Bargaining Unit Employees who are unable to participate in the Seasonal

Influenza Program due to medical reasons may request a reasonable accommodation consistent with applicable laws and regulations, and Article 42, of the Master Agreement.

11. Bargaining Unit Employees who are unable to participate in the Seasonal Influenza program due to religious reasons may request an accommodation.
12. Bargaining Unit Employees will be on duty time for training related to VHA Directive 1192, Seasonal Influenza Prevention Program for VHA Health Care Personnel. Training topics may include flu vaccine, and flu prevention, proper use of mask (don and doff) and other mitigation strategies that reduce the spread of flu. Training will be conducted in accordance with article 23 of the Master Agreement.
13. Hand sanitizers will be reasonably accessible at all VHA facilities.
14. Consistent with Article 45, Occupational Health, employees who present with flu like symptoms while on duty will immediately contact their supervisor and be released to report to employee/occupational health for evaluation and duty status recommendation.
15. The Department is responsible for enforcement of VHA Directive 1192. Outside the requirement of completing Appendix B, the department will not ask bargaining unit employees if they received an influenza vaccination, or otherwise attempt to discover if an employee has received an influenza vaccination.
16. In relation to VA Directive 1192, the Department will comply with Article 46 of the NAGE Master Agreement.
17. The information attained through Appendix B and any employee health records related to VA Directive 1192, including any records of adverse health outcomes suffered by Bargaining Unit Employees related to the flu vaccine, will be maintained in accordance with federal rule, law, and regulation (29 CFR 1910.1020, 29 CFR 1960, OPM GOVT10 and 08VA05) and VA Handbook 5019 or any successor policy.
18. NAGE reserves the right to address issues and request midterm bargaining related to VHA Directive 1192, seasonal influenza prevention program or its successor as issues arise or become known and are not covered by this MOU.
19. Workgroups, established at the National or Local level, consistent with Article 44, Section 2, concerning VA Directive 1192, Seasonal Influenza Prevention Program or subjects related to, NAGE will be permitted to have two representatives. Union officials who participate on a National or Local work group pertaining to VA Directive 1192, Seasonal Influenza Prevention Program will be on official time in accordance with Article 11 and Article 13, section 5 of the NAGE Master Agreement.

20. As stipulated in VHA Directive 1192, Seasonal Influenza Prevention Program for VHA Health Care Personnel, flu vaccine and masks will be made available during flu season. If supplies (vaccine/masks) are not available the Department will notify NAGE National in writing if there is a national shortage and/or notify the Local in writing if there is a local shortage as soon as possible but no more than 2 days of becoming aware of the shortage. The National or Local Union will be notified in accordance with Article 13, National Consultation Rights and Mid-Term Bargaining, of the Master Agreement and provided an opportunity to bargain regarding developed contingency plans that impact the working conditions of bargaining unit employees. In accordance with Article 23, Training and Career Development, of the Master Agreement, employees will be informed and trained on the contingency plans.
21. The Department may consider the establishment of a National seasonal influenza prevention committee to meet prior to and after the influenza season
22. 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 1st of each year,
 - b. Bargaining Unit Employees who begin work after November 30th will receive notification of the Influenza Prevention Program in their internal appointment/orientation documents.
23. 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/Employee Health Staff. In addition:
- a. BUE's that received their vaccination prior to facility leadership notifying the employees of their required participation in the 2018 Seasonal Influenza Prevention Program may attest to their seasonal influenza vaccination and need not provide medical documentation.
 - b. Outside of the requirements for filling out Appendix B, the Department will not ask Bargaining Unit Employees whether or not they received an influenza vaccination, or otherwise attempt to discover whether or not an employee has or has not received the influenza vaccination.
24. The signing of Appendix B does not waive Bargaining Unit Employees' rights to privacy on the disclosure of being vaccinated or declining an influenza vaccination.
25. By **completing** Appendix B of VHA Directive 1192, the employee is not authorizing the release of their medical information to anyone other than

Occupational/Employee Health Staff. This does not preclude Occupational/Employee Health from reporting employees who have not submitted Appendix B.

Medical information which Occupational/Employee Health is not permitted to divulge from Appendix B will not be used against the employee unless the employee voluntarily **signs** VA Form 10-5345. Occupational/Employee 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 voluntarily completes VA Form 10-5345 or required by law.

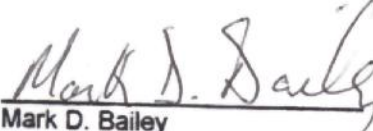
Employees seeking to authorize the release of influenza vaccine information utilizing VA Form 10-5345, will be advised by the Department the form is voluntary. Bargaining Unit Employees questions regarding VA Form 10-5345 should be directed to Occupational/Employee Health or the facility Privacy Officer.

26. A signed copy of this MOU shall be posted on the Office of Labor Management Relations website within 10 calendar days of signing this agreement.
27. NAGE National and the Local Union Presidents shall be provided a copy of this MOU within 10 calendar days of signing this agreement.



Robyn Stanton
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11/14/18
Date



Mark D. Bailey
National Representative
NAGE

11/14/18
Date



James Zeveski
Labor Relations Consultant
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11/14/2018
Date