

MEMORANDUM OF UNDERSTANDING

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
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 VHA Directive 1192, Seasonal Influenza Prevention Program for VHA Health Care Personnel.
2. Training of bargaining unit employees regarding VHA Directive 1192, Seasonal Influenza Prevention Program for VHA Health Care Personnel will occur on duty time.
3. Consistent with Article 3, Section 16, Part G. of the NFFE VA Master Agreement, bargaining unit employees have a right to privacy and will not be required to complete VA Form 10-5345, Request for and Authorization to Release Medical Records or Health Information.
4. Occupational health personnel and employees assigned to assist occupational health during influenza season will not report information contained in Appendix B or information that would allow an employee to be identified by their influenza vaccination status unless the employee completes VA Form 10-5345, release of information form. Bargaining unit employees retain all rights of privacy to include pursuing for violations of privacy that occur as the result of an unauthorized use or disclosure of their health information in the implementation of this policy. Signing the declaration document does not waive, void, or otherwise surrender their rights of privacy under all applicable legal authorities or authorize any use or disclosure of the employees' health information in a way not authorized under those provisions.
5. Bargaining unit employees vaccinated by people other than occupational health specialists will follow all PHI/PII privacy rules and regulations.
6. The Department will provide a flu vaccination to bargaining unit employees who request to receive a vaccination through their facility's employee health services.
7. 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. Procedure for receiving the influenza vaccination
 - c. Procedure for submitting documentation of an influenza vaccination obtained outside of occupational health.
 - d. CDC Vaccine Information Statement (VIS) that includes the following information:
 - i. The risks and benefits of influenza vaccine.
 - ii. Symptoms of influenza
 - iii. The National Vaccine Injury Compensation Program
 - iv. Guidelines for wearing a mask
8. The Department agrees to follow Article 26, Disciplinary Actions, Adverse Actions, and Major Adverse Actions of the NFFE Master Agreement, any applicable government wide regulations or law.
9. Information on the VHA Directive, 1192, Seasonal Influenza Prevention Program will be made available to bargaining unit employees on the Occupational Health SharePoint site.

- 50 10. Upon request, NFFE National and Local Presidents will be provided aggregate data on employees
- 51 related to VHA Directive 1192, *Seasonal Influenza Prevention Program*, in accordance with
- 52 Article 2, Section 7 of the NFFE/VA Master Agreement.
- 53
- 54 11. In the event there is shortage of flu vaccinations at a facility, Management will provide
- 55 contingency plan information to the local union.
- 56
- 57 12. Masks necessary for employee compliance will be kept in sufficient supply in areas where health
- 58 care personal are required to wear mask.
- 59
- 60 13. If available, bargaining unit employees will be provided instructions on how to submit VA -Form
- 61 10-9050 (Appendix B) and supporting medical documentation electronically.
- 62
- 63 14. Outside the requirements for completing appendix B, the department will not ask bargaining unit
- 64 employees whether they have received an influenza vaccination or otherwise attempt to discover
- 65 whether an employee has or has not received the influenza vaccination.
- 66
- 67 15. NFFE midterm team reserves the right to address issues related to VHA Directive 1192, *Seasonal*
- 68 *Influenza Prevention Program* for VHA Health Care Personnel as they occur that have not been
- 69 covered by this MOU, law, rule, regulation or Master Agreement.
- 70
- 71 16. NFFE Locals may elect to bargain on the local implementation of VHA Directive 1192, *Seasonal*
- 72 *Influenza Prevention Program* for VHA Health Care Personnel at their facility and/or duty station.
- 73 Bargaining may include impact and implementation or appropriate arrangements that does not
- 74 conflict with the Labor Management Statute, Master Agreement, MOU, Law, and nationally
- 75 negotiated policy.
- 76
- 77 17. The Agency shall take measures to protect employee's privacy in accordance with the law and
- 78 Agency policy.
- 79
- 80 18. Copies of this MOU will be distributed by appropriate local Management official to the NFFE
- 81 local president on completion. This MOU will be posted on VA LMR website.
- 82

84 Robyn Stanton
 85
 86 Robyn Stanton
 87 Labor Relations Specialist
 88 Department of Veterans Affairs (VA)

89 11/5/19
 90 Date

Jeffrey Shapiro
 Jeffrey Shapiro,
 President
 NFFE-IAM, DVA Council

11/18/2018
 Date

James Zeveski
 James Zeveski
 Labor Consultant
 Veterans Health Administration (VHA)

11/05/2018
 Date