

MDS Alert

Healthy Environment: Don't Let Employee Sickiness Make Your Facility Feel Hostile

Brush up on the legal requirements and colleague best practices to make your facility feel supportive of its staff even during the height of cold season.

Every employee knows that the quickest way into the colleague doghouse is to come to work sick, and yet almost everyone does it. Each employee has her own reason to come to work when feeling under the weather, but could your facility do more to help her feel better about staying home when sick and making sure you're not risking residents' or team members' health?

Employees can be temporarily felled by all kinds of illnesses, but coughs, colds, stomach bugs, and the flu will start rearing their heads soon, and SNFs are full of people who may be especially vulnerable to viruses. Hourly employees may be worried about a smaller paycheck, and choose suffering through a work day sick over staying home and losing hours. Salaried employees may not have the necessary PTO or sick leave or may be tempted to save it until they "really" need it, especially if they're "just" suffering through a head cold. If this sounds familiar, and your facility already has comprehensive, explicit sick leave policies established, what you may need is an adjustment in practice culture. You want sick employees and team members to feel supported and encouraged to take care of themselves first and not put anyone else at risk.

Sick Leave Legalities

Your facility has its own rules about sick leave, but federal and state laws are at play, too. The **U.S. Department of Labor** notes that there's no federal law requiring paid sick leave, but employees in certain circumstances are eligible for unpaid sick leave:

"Employees are eligible to take Family and Medical Leave Act (FMLA) leave if they work for a covered employer and:

- have worked for their employer for at least 12 months;
- have worked for at least 1,250 hours over the previous 12 months; and
- work at a location where at least 50 employees are employed by the employer within 75 miles."

Though your facility and HR team members or administration probably have explicit rules, knowing the legally required basics is especially important in an SNF or assisted-living facility where employees occupy many different jobs at work, on varying shifts, with various benefit packages, privileges, and rules.

Workplace Fairness, a California-based nonprofit geared toward providing information and advocacy for workers, provides information for the cities and states that have laws on the books ensuring paid sick leave. If you live in one of these places, you have additional rights to stay home sick on paid sick leave: California (with some cities, Emeryville, Oakland, and San Francisco, having their own laws); Connecticut; Massachusetts; Oregon (with special rules in Portland); Washington, D.C.; Vermont; New Jersey (Bloomfield, East Orange, Irvington, Montclair, Newark, Passaic, Patterson, Trenton, and Jersey City, only); Washington (Seattle and Tacoma, only); New York, New York; and Montgomery County, Maryland. (Please see their website, <https://www.workplacefairness.org/paid-sick-leave>, or your local laws for more information.)

Don't forget that some epidemics, especially involving certain strains or outbreaks of influenza, have their own rules. According to the **U.S. Department of Labor Wage and Hour Division**, your company should have a specific plan for your office: "It is important to prepare a plan of action specific to your workplace, given that a pandemic influenza outbreak could affect many employees. This plan or policy could permit you to send employees home, but the plan and

the employment decisions must comply with the laws prohibiting discrimination in the workplace on the basis of race, sex, age (40 and over), color, religion, national origin, disability, or veteran status. It would also be prudent to notify employees (and if applicable, their bargaining unit representatives) about decisions made under this plan or policy at the earliest feasible time."

Telecommuting Prevents Contamination

Productivity suffers when employees are sick, regardless of whether they're plodding through at the office or absent from work. "Sickness absence can be disruptive, costly and cause low morale," says **Clarkslegal Employment Buddy**.

One option you may have for some employees, depending on their role and job responsibilities, is making telecommuting a workable option. MDS coordinators, for example, may already have the ability to work remotely, which helps keep illnesses quarantined without sacrificing productivity. Look into whether you can extend the telecommuting option to team members who could contribute without physically being in the facility. (Keep HIPAA compliance in mind when you're considering establishing policies and procedures to let employees access electronic medical records when outside of the office.)

Acknowledge Team Member Illness

If you're in a management role or know the sick employee well, consider sending him a brief note thanking him for staying home to rest and well wishes that he feels better soon. You may fear sounding passive aggressive when "thanking" them for not coming in the office, but a few genuine, compassionate words can go a long way in helping employees feel supported in their decision to stay home. The way this plays out — employee choosing to stay home due to illness, colleagues or supervisors acknowledging that illness — could even have outside effects in facilitating a more compassionate, productive workplace, according to 2014 study "Compassion at Work" by **Jane E. Dutton, Kristina Workman, and Ashley Hardin**. "... Although it may not always be possible, appropriate, or easy, sufferers may play an active role in facilitating compassion from others by being explicit about the causes and extent of their suffering as well as by communicating their own ideas about how others might help relieve it," they say.