



TOPIC:

H1N1: Campus Legal Issues

INTRODUCTION:

H1N1. Since February 16, 2009, approximately 41 million people in the United States have been infected with H1N1 and over 1,000 people have died. The Centers for Disease Control and Prevention (CDC) has declared H1N1 a public health emergency. This document provides a brief overview of the legal issues that may arise for higher education institutions (IHEs) and their employees in response to the H1N1 pandemic. [3].

DISCUSSION:

I. IHEs AND THEIR EMPLOYEES

As a result of the H1N1 pandemic, IHEs have been faced with a number of legal issues. The Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), and the Family and Medical Leave Act (FMLA) are all laws that may apply to IHEs and their employees. [4].

The Occupational Safety and Health Act ("OSHA")

The Fair Labor Standards Act ("FLSA")

The Occupational Safety and Health Act ("OSHA")

The Occupational Safety and Health Act ("OSHA")

The Fair Labor Standards Act ("FLSA")

tribitshb
againybb
disad bel
chagespabl

freig aradint
iciesepn
wif he epn
ywed, catl

ie airtos l
gn ageesaychiretsAdditional
wesae ied,ethich yllcankes
eatl

oh irhe cafeeria. Btu
I
yas
ired, bye CBA.

The ADA, FMLA and Related Privacy Issues

Dir a caph1N1 break, he jnycoer
Wherp aing hucainyheal
ete shb , yadlcerairl
eegeybas

risepn
h yepn
asial

gesad dethal
gesheal
g he ADA ad FMLA, befe akig cetairpate

h ad afey
h ad peth1N1 fropadig hgh he

CararHE eie anfectd epn
hatae hisherl

ve (psct ed the ifected) tib
hinesl f? If p

YesarHE carep itick em
pntted epn
cpn
e), cb
epn
deed

yin he l
pel
ves(ad if ap
pd in egad the ib

aspibitg disiratorne bp
ingieabil
icabl
atobick epn

gesayayfropn
f-ib e. Bthe p a
ne bp
iyigears [\[11\]](#). Itw
epates, abentpagaing u
atobick epn
ges

, if ithasa pdeio p
arad he epn
ace the basbase, exage (40 ad
d al
asad p
ices

arhat
pntdecian
be pttify

heal
acesit

hcae pder Bif arepn
yibitarepn fceatg hprepn

igle fæ se bel l
pe [18].

igibil st

ityhe FMLA desb

anft [eCDC](#).

The CDC ~~spatstl~~

f-ib

atoc~~edat~~

educatogans Ste

gasiv

l

al

chesevabe w

dadscoeing

ed

FN19. 42 U.S.C. § 2112 (2009) (concerning the ADA).

FN20. 42 U.S.C. § 2113(b) (2009).

FN21. 42 U.S.C. § 2111(3) (2009). Thus, although the ADA does not prohibit discrimination against individuals with disabilities in the workplace, it does prohibit discrimination against individuals with disabilities in the provision of services, programs, and activities. The CRS Report, ["The Americans with Disabilities Act \(ADA\) - Page 6"](#), provides a detailed discussion of the ADA.

FN22. The ADA may be applicable if the individual is a person with a disability. If the individual is a person with a disability, the ADA may be applicable. The ADA may be applicable if the individual is a person with a disability. The ADA may be applicable if the individual is a person with a disability.

FN23. See [Frontier Guide: United States Department of Health and Human Services](#).

FN24. See [ADA-Civil Rights](#), United States Department of Health and Human Services. See also [Equal Employment Opportunity Commission](#).

FN25. Article I, Section 8, Clause 3 of the U.S. Constitution provides that Congress has the power to regulate interstate commerce. See, [Jacobson vs. Massachusetts](#).

FN31. The American Council on Education (ACEA) has issued a report titled "H1N1: A Guide for Higher Education" which provides information on how to prepare for a possible H1N1 outbreak. See [ACHA Guide to H1N1](#) and [ACEA Report on H1N1](#).

FN32. See, for example, *supra* note 19.

FN33. See Public Law 103-15 at Section 485.

FN34. Magan Kaheia, [Colleges Face Swine-flu Challenge as Number of Sick Students Surges](#), THE CHRONICLE OF HIGHER EDUCATION, Sep 16, 2009.

FN35. [CDC Guidance for Higher Education on the 2009-2010 Academic Year](#), Centers for Disease Control and Prevention. See also [Technical Report: CDC Guidance for Higher Education on the 2009-2010 Academic Year](#), Centers for Disease Control and Prevention. [Peer Review of the Final Report to the Higher Education Community on the 2009-2010 Academic Year](#), Centers for Disease Control and Prevention.

FN36. An H1N1 influenza pandemic is a global health crisis that could have devastating consequences. The World Health Organization (WHO) has issued a series of guidance documents to help higher education institutions prepare for and respond to a possible H1N1 pandemic. See [WHO: H1N1v1 Influenza Pandemic Preparedness and Response](#). The American Council on Education (ACEA) has also issued a report titled "H1N1: A Guide for Higher Education" which provides information on how to prepare for a possible H1N1 outbreak. See [ACHA Guide to H1N1](#) and [ACEA Report on H1N1](#).

FN37.

- o [ADA-Civil Rights](#) [EEOC](#) [Prepared for the H1N1 Flu](#) [WIS](#)

State Law

- o [National Center for State Legislatures](#) [State Federal](#) [Public Health](#)

NACUA Resources:

[H1N1 \(State\) Research Links](#)

[Disability and Rep Research Links](#)

Permitted Uses of NACUANOTES Copyright and Disclaimer Notice

[NACUANOTES Homepage](#) | [NACUANOTES Issues](#)
[Contact Us](#) | [NACUA Home Page](#)

"To advance the effective practice of higher education attorneys for the benefit of the colleges and universities they serve."