



## HR Services

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### **NMSU Leave Guidelines for Influenza-like Symptoms or Illness (including, but not limited to, H1N1 Flu)**

As NMSU prepares for an influx of influenza-like illness, we are providing the following guidelines for leave use during this time.

Faculty and staff who have influenza-like symptoms (distinguished by a fever of 100°F or higher, and may also include cough, sore throat, runny or stuffy nose, body ache, headache, chills, unusual fatigue, diarrhea or vomiting) should stay home during the period in which they are contagious. All employees who have flu-like symptoms must be free of fever (100 degrees Fahrenheit with no fever-reducing medications) for at least 24 hours before returning to work. Employees with flu-like symptoms should communicate directly with their supervisor or department in accordance with established departmental procedures.

Supervisors, with approval of the appropriate administrator, have the discretion to send employees home that present a health risk to other employees. While each case must be considered separately, employees exhibiting flu like symptoms with a fever greater than 100°F and a cough should be sent home. If an employee disputes the supervisor's determination that he/she is a risk to other employees, the employee must submit a statement from his/her attending health care provider that the employee's continued presence at work poses no significant risk to other employees.

Employees not reporting to work are required to use accrued sick leave during the absence. If an employee exhausts accumulated sick leave, annual leave can be used. If both sick leave and annual leave are exhausted, and H1N1 influenza is likely, employees will be allowed to accrue a negative sick leave balance up to 3 days. As sick leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of three (3) days, a PAF should be completed to place the employee on leave without pay and another PAF completed when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

Employees who do not accrue leave should be placed on a leave without pay. A PAF is required to place the employee on leave without pay and another PAF completed when the employee returns to work.

Public health authorities have advised that people who may have H1N1 influenza should not see a doctor unless they develop complications or more severe symptoms; therefore, no doctor's certification will be required for leave associated with flu-like symptoms or illness.

These guidelines will be in effect from October 1, 2009 through February 28, 2010. For additional information, please visit the NMSU Health and Wellness website on Cold and Flu at <http://wellness.nmsu.edu/flu/index.html>. Questions regarding these guidelines and rights provided under Family Medical Leave Act (FMLA) should be sent to [benefits@nmsu.edu](mailto:benefits@nmsu.edu).

## Questions and Answers Regarding Employee Issues Related Influenza (H1N1)

Employment Services recommends that departments establish a protocol for dealing with employees who are out or need to be out for influenza related illnesses. Below are answers to address some questions regarding standard practice and policy for use of leave for absences due to illness.

**Q:** *I have an employee who is ill and has come into work. I'm concerned they may have influenza and will expose others to the virus. Can I send this employee home?*

**A:** Yes. You can send an employee home who is exhibiting flu-like symptoms. While each case must be considered separately, employees with a fever greater than 100 degrees Fahrenheit and a cough should be sent home. Other symptoms of concern are coughing and sneezing.

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**Q:** *Can I come to work if I have flu-like symptoms?*

**A:** Please refrain from coming to work if you have flu-like symptoms. The Centers for Disease Control recommends 'if you get sick with flu-like symptoms this flu season, you should stay home and avoid contact with other people except to get medical care.

In the event that you must stay home because of flu-like symptoms, you will be required to use your sick leave (for employees accruing leave) and if you have exhausted your sick leave, you may choose to use comp time or annual leave. If both sick leave and annual leave are exhausted, and H1N1 influenza is likely, employees who accrue leave will be allowed to accrue a negative sick leave balance up to 3 days. After a negative accrual of 3 days the employee is placed on leave without pay.

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**Q:** *If I am absent from work because of flu-like symptoms, when can I return to work?*

**A:** You can return to work as early as 24 hours after you are free of fever or signs of a fever without the use of fever-reducing medication. In order to return to work, your supervisor may, after consultation with Benefit Services, require you to provide a release completed by your personal health care provider indicating you have been medically cleared to return to work. Please consult with your supervisor about the necessity of providing a release.

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**Q:** *Can employees in high-risk health categories request to go home?*

**A:** Based on the extent and severity of H1N1 flu-related illnesses at this time, the CDC has not recommended that people at high risk of flu complications stay home while flu is circulating in the community.

If you are concerned about your level of risk, consult with your doctor. If, after consulting with your doctor, you believe you are at high risk for complications and want to request to remain at home, contact Benefit Services to discuss your options.

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**Q:** *During the H1N1 outbreak, can my supervisor cancel my annual leave request that has already been approved?*

**A:** Yes. Your supervisor has the authority to cancel any pre-approved leave request, especially in circumstances where there are serious staffing shortages as a result of illness.

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**Q:** *My child's school/day care is closed due to an incident of Influenza A (H1N1), and my child is not sick. I have no other childcare arrangements. Can I bring him to work with me?*

**A:** No. Per policy 3.15, bringing a child to work is not recommended or advisable -- and in many work areas, it is prohibited. Children may, on rare occasions and with the approval of the supervisor, accompany a parent to the workplace. With supervisory approval, you may use leave or compensatory time (if applicable) to stay home with your child.

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**Q:** *Can employees be assigned to work from home or another work location?*

**A:** The supervisor will determine whether working from home is necessary to ensure continued operations of critical/core functions or if an on-campus location is more appropriate. Employees temporarily assigned to another location should be returned to their normal work place as soon as possible, consistent with operational needs.