

FLU FAQ's

University employees have many questions about what policies will apply if they have to take time off from work due to H1N1 influenza or need to care for a family member who comes down with flu. We hope these FAQ's will help provide answers to some common questions.

More information about H1N1 flu is available at <http://www.maine.edu/fac-staff/HealthUpdate.php>.

I. Leave, Pay and Benefits

1. What leave can I use if I miss work due to influenza or have to care for a family member with the flu?

Employees may use accrued disability¹ leave, annual leave, and (for hourly employees) compensatory time for their own illness. For absence to care for a sick family member, hourly employees may use up to half of their accrued disability leave or 40 hours of accrued leave annually, whichever is greater; salaried employees up to 20 days of accrued disability leave; and faculty up to 30 days. Eligible employees who miss more than 10 days of work due to flu or to care for a sick family member will also be placed on Family and Medical (FMLA) Leave.

2. What happens if I exhaust my accrued leave?

Employees who use all accrued disability and annual leave (and comp time for hourly employees) may request an advance of sick leave from their supervisor for an absence related to their own illness or may take leave without pay. Employees who are granted an advance of sick leave repay it at the rate of one-half their future monthly disability leave accrual.

Employees caring for a sick family member who use all accrued leave may request unpaid leave.

Employees who request an unpaid leave and are eligible for FMLA leave will continue to be covered by the University's health care plan (if enrolled) at the active employee rate.

3. Will student employees be paid if they are unable to work?

Work-study and regular student employees who miss work due to illness do not receive pay.

¹ Disability leave is also known as sick leave.

4. Will I need to provide medical certification or return to work certification from a health care provider if I miss work because I have the flu or am taking care of a sick family member?

The University may require medical certification when employees miss more than 5 days of work due to illness. The national and state Centers for Disease Control advise that most people who contract the flu will not need to see a health care provider, and providers will be extremely busy caring for those with serious cases. As a result, the University will not require medical certification in cases of influenza unless the employee is out of work for 10 days or more and is placed on FMLA leave or sick leave abuse is suspected.

The University requires return to work certification from an employee's health care provider only if the employee has missed 20 or more work days or when there is reason to believe the employee is unable to perform the job responsibilities.

5. If I have flu-like symptoms will I be required to stay home to prevent spreading the disease?

As recommended by the Maine Center for Disease Control (CDC), the University strongly encourages employees with flu symptoms to stay home and fully recover before returning to work, both for their own health and the health of co-workers and students. The CDC advises that employees with flu-like symptoms should stay home for a minimum of 24 hours after fever subsides. If public health officials issue a quarantine or public health order for people with flu to stay at home, which is not currently the case, the University will place sick employees on mandatory disability leave or other mandatory leave, as provided under UMS fitness for duty policies.

6. How long will the University hold my position if I'm out of work?

FMLA provides for up to 12 weeks of leave for the employee's health condition or to care for a family member in a qualifying situation. University policies hold employees' positions varying lengths of time beyond 12 weeks, depending on length of service and bargaining unit, in the case of an employee's own illness.

7. Do the University short-term and long-term disability policies (STD/LTD) cover pandemic flu?

There is no exclusion for pandemic illnesses in the disability policies.

8. If I miss work due to my own or family influenza, do I need to report it so the University can track the spread of illness throughout the university community?

Most campuses are monitoring the incidence of flu among students and employees to help them make informed decisions about whether to cancel certain activities. Check your university's absence reporting requirements on your institution's H1N1 website (links are available at <http://www.maine.edu/fac-staff/HealthUpdate.php>) or call your university

Human Resources office. In addition, contact your immediate supervisor, as usual, to report if you will be out due to personal or family illness (unless your university has advised you to call in to a central number, which will then inform your supervisor).

9. What other support is available through the University for employees and their families affected by influenza?

Employees and members of their families may use the University's free Employee Assistance Program (EAP) and the health insurance program to access counseling services. EAP can also provide assistance with family matters and financial concerns that may accompany illness. To contact the EAP, please visit <http://www.umsriseup.info/program.aspx?id=462> or call the University of Maine EAP (UM employees only) at 581-4014 or 1-877-EAP-3315, or the CIGNA EAP (employees at all other universities) at 1-877-622-4327.

II. Work Assignments

10. Can I work from home if unable to come to work due to personal or family illness?

Employees in some types of jobs may be able to perform some or all of their work responsibilities from home using home computers, phone and fax if:

- The employee is sick but well enough to perform some work.
- The employee needs to be home to care for a sick family member but has some time available to work.
- The CDC imposes a quarantine.
- Widespread flu leads the University to declare administrative leave.

An employee who needs to be home due to personal or family illness but who would like to work from home must obtain supervisor approval in advance and should discuss with the supervisor how much time to report as work time and how much as disability leave or annual leave.

Universities will determine whether working at home will be permitted only for employees responsible for critical functions, or whether any interested employee whose job can be performed at home will be allowed to do so. Employees who are authorized or required to work from home will be paid as though they were working at their office.

Employees who are approved to work from home should review the ergonomic checklist available in the University's Telecommuting Guidelines at http://www.maine.edu/system/hr/policy_procedures.php (pages 7-8).

11. Can the University require me to come to work even if I'm afraid of being exposed to the flu?

Unless public health officials advise otherwise, the University will remain open, and employees are expected to work to serve our students and others. However, an employee who has a reasonable fear for his/her personal health or safety may be permitted to stay at home and use annual leave, comp time (hourly employees), and leave without pay after discussion with the supervisor. Employees are not eligible to use disability leave in such circumstances.

12. Will the University require students and employees who appear to have the flu that they must stay home?

Consistent with the recommendations of public health officials, the University strongly encourages all employees and students who have flu-like symptoms to stay home until they are well. If you interact with employees, students, or others who have flu-like symptoms, you may tell them that they appear to be ill and should consider going home, or you may discuss your concerns with your supervisor.

13. Are there special considerations for people with disabilities or other high risk groups?

Influenza is unlikely to be a disability as defined by law. However, people who develop serious complications or ongoing health problems as a result of influenza may be covered by disability law and entitled to reasonable accommodations in the workplace. In addition, the University strives to assist employees with health issues that do not constitute disabilities. Determinations about accommodations for employees with disabilities and other health conditions are based on discussion with the employee and current medical information. Employees in high risk groups and employees with a disability who need accommodations at work should talk with their supervisor or Human Resources office.

III. Communicating with Employees

14. What information will the University provide me about flu prevention, treatment and campus procedures?

Each University and the System Office has an emergency planning and preparation team that is coordinating local prevention and response efforts, including a website with information for employees and students. Your campus website can be accessed at <http://www.maine.edu/fac-staff/HealthUpdate.php>. Posters on campus promote how to stay healthy. An employee brochure, which is available at <http://www.maine.edu/pdf/FluFlier.pdf>, has been developed and distributed. The University will distribute updates from public health officials regarding flu in the workplace through e-mails, websites, and other existing communication channels.