

MEMORANDUM

TO: Agency Heads and Human Resource Directors
FROM: George Vega, Director, Division of Personnel Services
DATE: October 5, 2009
SUBJECT: FMLA Practices for the H1N1 Flu Virus

As we are entering into the flu season, we face a new challenge with the H1N1 flu virus. As a result, we must consider flexible ways to work with our employees who become ill, or are otherwise away from work due to the flu virus.

Therefore, as a temporary emergency practice during this flu season, the Division of Personnel Services is authorizing the relaxation of the requirements regarding the approval of leave and FMLA protection.

During this emergency period:

Employees are encouraged not to come to work when ill and will use their own accrued leave for time away from work due to the H1N1 flu virus.

It is not necessary for employees to provide a written statement from a medical provider for an absence due to the H1N1 flu virus.

Employees absent due to the H1N1 flu virus shall be afforded all FMLA protections:

If the employee uses LWOP for all or part of the absence due to the H1N1 flu virus, their health insurance will be maintained; and

No adverse employment action will be taken against an employee for absences due to the H1N1 flu virus.

Absences for other medical issues potentially qualifying for FMLA must be addressed per Bulletin No. 09-03.

DPS will notify agencies when the emergency practices will end and the normal processing of FMLA in accordance with Bulletin No. 09-03 will return.

Thank you for your efforts to work with our employees and provide a healthy environment.