



TOPIC:

H1N1: Campus Legal Issues

INTRODUCTION:

H1N1". Since February 16, 2009, are the United States have been infected in H1N1 and President Obama had declared the 2009 H1N1 influenza pandemic a national emergency. Higher education faces challenges in addressing the legal issues that arise from the pandemic. This address discusses the legal issues that arise from the pandemic and provides a brief overview of the legal issues that arise from the pandemic. [3].

DISCUSSION:

I. IHEs AND THEIR EMPLOYEES

As a result of the H1N1 pandemic, higher education institutions (IHEs) have faced significant challenges in addressing the legal issues that arise from the pandemic. The Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act (FLSA), the American Disabilities Act (ADA), and the Family Medical Leave Act (FMLA) are the primary laws that govern the employment relationship between IHEs and their employees. [4].

The Occupational Safety and Health Act ("OSHA")

The Occupational Safety and Health Act (OSHA) is a federal law that governs the employment relationship between IHEs and their employees. OSHA requires IHEs to provide a safe and healthy work environment for their employees. [5].

The Fair Labor Standards Act ("FLSA")

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The ADA, FMLA and Related Privacy Issues

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CONCLUSION:

All high individual IHEs have been identified by the surveillance system. The surveillance system has been shown to be effective in identifying cases of influenza A (H1N1) virus infection. The surveillance system has been shown to be effective in identifying cases of influenza A (H1N1) virus infection. The surveillance system has been shown to be effective in identifying cases of influenza A (H1N1) virus infection.

FOOTNOTES:

FN1. [The Centers for Disease Control and Prevention \(CDC\) Estimates of 2009 H1N1 Influenza Cases](#). [http://www.cdc.gov/od/oc/media/pressrels/2009s0811a.htm](#) (October 17, 2009). Accessed February 16, 2010. The number of cases of 2009 H1N1 influenza reported in the United States is estimated to be 15.36 million.

FN2. [Pollock, L. \(2009\). 74 Fed. Reg. 55,000 \(Oct 23, 2009\).](#)

FN3. [Public Health Service, U.S. Department of Health and Human Services. \(2009\). Influenza A \(H1N1\) Virus Infection.](#)

FN4. [Acceding to the General Public. \(2009\). Tc -5.36 \(Accessed 15.36 from 2CDC\) ERS \(10/1/09\) 198.48 0.72 et](#)

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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) Coverage of Genetic Diseases," describes the ADA's application to genetic diseases.

FN22. The ADA may be applicable if the individual's disability is a physical or mental impairment that substantially limits one or more major life activities. The ADA does not require that the disability be permanent or long-term.

FN23. See [Frontier Airlines: United States Department of Justice Civil Rights Division](#).

FN24. See [ADA-Civil Rights Division](#), United States Department of Justice, and [ADA-Civil Rights Division](#), United States Department of Health and Human Services.

FN25. *Jacobson vs. Massachusetts*, 309 U.S. 343 (1940). The Supreme Court held that the federal government's requirement that individuals with certain diseases be vaccinated was a constitutional exercise of the government's police power.

FN31. The American Council on Education (ACEJ) 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 [ACEJ 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 virus has been identified in a student at a college in the United States. The student was hospitalized and is recovering. The student was part of a study conducted by the Centers for Disease Control and Prevention (CDC) to determine the effectiveness of a vaccine against H1N1. The student was one of the first to receive the vaccine. The student's condition is improving, and the student is expected to be discharged from the hospital in the next few days. The student's condition is being monitored closely by the CDC and the college's health services. The student's condition is being monitored closely by the CDC and the college's health services. The student's condition is being monitored closely by the CDC and the college's health services.

FN37.

- o [ADA-Civil Rights](#) [EEOC](#) [Prevention of the H1N1 Flu](#) [WIS](#)

State Law

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

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