Pandemic and Communicable Disease Emergency Policy

PURPOSE
The purpose of this policy is to outline provisions covering the following human resource areas in case of a communicable disease or other serious public health threat that is declared by the public health officials to be a public health emergency, including:

- Designation of mandatory employees
- Compensation for mandatory employees
- Accounting for absences
- Emergency furlough provisions

This policy applies to all University employees. Leave and additional compensation benefits may apply to employees in certain appointment types as defined below.

DEFINITIONS
Epidemic: A disease occurring suddenly in a community, region or country in numbers clearly in excess of normal. This includes the occurrence of several cases of a disease associated with a common source.

Pandemic: The worldwide outbreak of a serious communicable disease in numbers clearly in excess of normal.

Incubation Period: The time, usually in days, between exposure to an illness and the onset of symptoms.

Isolation: Restriction of movement and/or action of individuals infected with a communicable disease to reduce the chance of spreading disease. [Authority: G.S. 130A-2(3a)]

Quarantine: Restriction of movement and/or action of individuals who are known to have been exposed to or may reasonably be suspected to have been exposed to a communicable disease and who do not yet show signs or symptoms of infection. [Authority: (G.S. 130A-2(7a)]

Communicable Disease Mandatory Employees (CDMEs): Employees who are required to work during a public health emergency because their positions have been designated by the University as mandatory to operations during the emergency.

Social Distancing: Actions taken to reduce the opportunities for close contact between people in order to limit the spread of a disease.

RESPONSIBILITY
In case of a public health emergency, the Governor has broad powers to issue an emergency order to protect the public health. In accordance with General Statute 166A-6, the Governor may close all schools, community colleges, universities, childcare and adult day care facilities and order that no public events shall be held where large numbers of people are gathered in one physical location. The
Governor may also close all non-mandatory State services and order mandatory services to remain operational.

In case of a public health emergency, the University shall adhere to any communicable disease orders of the State or local public health agencies to prevent transmission of a communicable disease. While awaiting a decision by the Governor or State or Local Public Health Director, the Chancellor has the authority to make emergency closing decisions he/she deems appropriate for the University. If circumstances permit, the Chancellor shall confer with local/State public health officials to determine the severity of the individual situation and to determine what actions shall be taken (including closure of the University). All closings shall be reported to the State Personnel Director and the Governor within five days after the occurrence, and the University shall notify public health officials as soon as reasonably possible.

Management shall inform employees, and employees shall inform management, of any evidence of a communicable disease that could seriously endanger the health of others in the workplace. Management shall immediately notify the University’s Department of Environment, Health & Safety, which will notify the local health department. (For more information on the University’s Pandemic and Communicable Disease Emergency Plan, see “Related Subjects” below.)

In accordance with North Carolina General Statute 130A-145, the State Health Director and local health director are empowered to exercise quarantine and isolation authority. Quarantine and isolation authority shall be exercised only when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists. (See “Leave” section below regarding compensation during a quarantine or isolation.)

Note: The most recent list of reportable diseases as compiled by the State Health Commission is found in the Administrative Code 10A NCAC 41A.0101. The list is constantly updated as new diseases emerge.

**POSSIBLE ACTIONS DURING A COMMUNICABLE DISEASE OUTBREAK**

During a communicable disease outbreak, any of the following may occur:

- Closing of one or more parts of the University by order of the Governor;
- Closing of one or more parts of the University as authorized by the University President or the Chancellor while awaiting a decision by the Governor or State or Local Public Health Director;
- Closing of one or more parts of the University by agreement between Public Health officials and the University authority or by order of Public Health officials;
- Concurrence by Public Health officials and/or the University that employee(s) should be excluded from the workplace;
- Isolation of an ill or symptomatic employee(s) by Public Health officials; or
- Quarantine of an exposed or potentially ill employee(s) by Public Health officials.

**SOCIAL DISTANCING**

In order to minimize transmission from person to person, the University’s Pandemic and
Communicable Disease Emergency Plan includes social distancing provisions to implement immediately upon orders from the Chancellor, the Governor, and/or Public Health officials.

Social distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. It can be accomplished by administrative and engineering controls. Examples include:

- reducing face-to-face exposure by using conference calls and video conferencing;
- avoiding unnecessary travel;
- canceling meetings, workshops, training sessions and scheduled events;
- requiring employees to work from home to reduce exposure in the workplace;
- establishing flexible working hours to avoid mass transportation, at least during peak hours;
- installing protective barriers between work stations or increasing space between workers;
- reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the agency);
- scheduling employees in shifts;
- controlling access to buildings; and
- requiring asymptomatic individuals traveling to affected countries/areas not to return to work until one incubation period has passed after returning home.

Employees required to work under social distancing provisions shall receive regular pay.

**COMMUNICABLE DISEASE MANDATORY EMPLOYEES**

Each department shall predetermine and designate mandatory operations in case of a pandemic emergency or communicable disease outbreak, designate the employees to staff these operations, and develop an alternative plan for personnel in case the designated personnel are quarantined or ill. Alternative workers may include current employees who are not designated as mandatory but who possess the skills to fill in for mandatory employees, retirees, contract workers, or other temporary employees. This will be especially important in an event that may last for several weeks or months.

The University shall maintain a list of mandatory employees by position, including current employee name and contact information. Department management shall notify employees of their mandatory personnel designation and the requirement to report for or remain at work in emergency situations, or to work from home or other alternative location as deemed appropriate. Employees shall receive appropriate information and training as needed. If mandatory personnel are required to remain at the worksite for an extended period of time, the University will provide adequate housing and food.

Individuals designated as mandatory employees may be subject to disciplinary action, up to and including termination of employment, for willful failure to report for or remain at work. Each situation will be reviewed on a case-by-case basis to determine appropriate action.

**COMPENSATION FOR CDMES**

When management determines that only mandatory employees are required to report to work, all permanent SPA and permanent EPA non-faculty mandatory employees who report to a worksite shall be granted time and one-half pay for all hours worked. Subject to the availability of funds, this
additional one-half compensation may be provided as paid time off. This compensation provision applies to employees who are exempt and non-exempt under the Fair Labor Standards Act (FLSA).

EPA permanent employees are eligible for this compensation with the exception of the following:

- Faculty
- Senior officers of the University of North Carolina who are subject to the provisions of Section II of the policy on Senior Academic and Administrative Officers (The UNC Policy Manual: 300.1.1)
- Associate and assistant vice chancellors
- Associate and assistant provosts
- Associate and assistant deans

However, at the discretion of the President or Chancellor, employees in positions listed above may be eligible for pay at time and one-half, or may be granted compensatory time in lieu of time and one-half pay, following the emergency event.

Only employees designated as communicable disease mandatory employees who are required to work on-site at their regular work location or at an assigned work location, other than the employee’s home, shall be eligible for time and one-half compensation. It does not include temporary employees under any circumstances. When necessary and available, payment of salaries normally funded from non-State funds may be made from State funds. Administrators shall aggressively pursue reimbursement from other funding sources where possible.

**COMMUNICATION OF UNIVERSITY OPERATIONS STATUS**

The University administration will monitor communicable disease events and, after consultation with public health authorities, indicate the general operations level of the University:

**Condition I:** Classes are being held, offices are open for business. All employees are expected to report to work as usual. Social distancing practices may be employed as deemed appropriate. Public health officials may issue isolations or quarantines of small populations as deemed appropriate.

**Condition II:** Classes are canceled, offices are open for business. Permanent and non-student temporary employees are expected to report to work. Social distancing practices are expected to be used. Public health officials may issue isolations or quarantines of small populations as deemed appropriate.

**Condition III:** Classes are canceled; offices are closed. Non-mandatory permanent employees on paid leave. Only CDMEs shall report to work as directed by their management.

**Condition IV:** Emergency furlough (unpaid leave) of non-mandatory employees; CDMEs report to work or perform their duties from alternate work locations as directed. The total number of CDMEs actively working and the duties they perform in any areas deemed critical may vary over the course of the Condition IV period.

**Condition V:** Continued emergency furlough (unpaid leave) of non-mandatory employees and emergency furlough for all CDME employees except for those CDMEs whose duties may be
essential to continuing patient care operations or providing for the public safety. These include individuals who provide direct patient care; are medically licensed healthcare professionals; provide critical support to patient care operations; support facility infrastructures/systems critical to healthcare operations; or provide public safety services. The latter CDMEs deemed essential to the continuity of patient, health care, and public safety operations may be directed to report by management dependent upon current conditions.

The operations status of the University will be provided on the UNC homepage and on the Office of Human Resources website.

**LEAVE**

Permanent employees will not be penalized for using leave in order to encourage those with symptoms associated with a communicable disease to stay home so that they do not infect other employees and to allow employees with ill family members to stay home to care for them.

**Quarantined by a Public Health Official:** When an SPA employee (permanent or temporary) or an EPA permanent employee is quarantined, the employee shall be granted paid administrative leave until the specified period of time ends or the employee becomes ill with the communicable disease, whichever comes first.

**Employee is required by the University to stay home:** If University administration believes that an employee has symptoms associated with a communicable disease, the University may require the employee not to report to work and to use available accrued paid time off, or available vacation, bonus, or sick leave.

**If the University is closed (Condition III):** Although all efforts should be made to allow non-mandatory employees to work from an alternative location, it may not always be possible. When the University is closed or when the university administration determines that only mandatory employees are required to report to work, the non-mandatory SPA permanent employees who are not required to work shall be granted paid administrative leave for up to 30 calendar days. Non-mandatory EPA permanent employees, at the discretion of the University President or Chancellor, may be granted paid administrative leave for up to 30 calendar days. The employee’s pay shall continue at the same rate the employee would have received had the employee been working (including any premium pay normally received). If adjustments need to be made, they shall be made in the next paycheck after returning to work. If a non-mandatory employee elects to work when the agency is closed, the employee shall not receive additional pay. Employees who are on prearranged vacation leave or sick leave shall charge leave to the appropriate account until the end of the scheduled days off. Also, employees on leave without pay shall continue on leave without pay until the scheduled leave without pay period ends.

**If an employee becomes ill:** If the employee becomes ill and it is determined to be work related (exposure is greater than that of the general public) in accordance with the Workers’ Compensation Act, the Workers’ Compensation Policy applies. If the employee is isolated or becomes ill as a result of off-the-job exposure, the Sick Leave Policy applies. The provisions of the Family and Medical Leave Policy and the Family Illness Leave Policy shall also apply.

**Advisory Note:** Should an employee not have sufficient sick leave available, the University may
work with the employee to advance a reasonable amount of leave or make arrangements for the employee to make up the time within 24 months.

VERIFICATION
Employees who have symptoms of a communicable disease and are required to stay home or who are ill with the communicable disease should be cautioned not to return to work until they are sure they are fully recovered.

The University may require certification of fitness to work from a health care provider. If quarantined, it is the employee’s responsibility to provide the University with a written verification of his or her status from a Public Health official.

DAY CARE / SCHOOL CLOSINGS / ELDERCARE
When the University is open but an employee who is a parent (or guardian) is required to stay home with a child (as defined in the FMLA) because of the closure of a day care facility or a public or private school, the employee may, with approval of the supervisor, be allowed to work at home or elect to:

- use vacation leave,
- use bonus leave,
- use sick leave,
- use compensatory leave,
- take leave without pay, or
- take paid leave to be made up within 24 months. If the time is not made up within 24 months, appropriate leave will be deducted or the appropriate amount of pay shall be deducted from the employee’s paycheck.

These provisions also apply for eldercare. The University has the right to request appropriate documentation to substantiate need.

REVIEW OF POLICY DECISIONS
In the event this policy is triggered, the Chancellor must review the compensation and leave provisions every thirty (30) calendar days and, as appropriate, take any of the following steps:

- Renew the compensation and leave provisions for another 30 calendar days.
- Revise the compensation and leave provisions for up to another 30 calendar days.
- Terminate the compensation and leave provisions if the public health emergency has ended.

Any changes in the compensation and leave provisions must be communicated to employees in a timely manner. Pending a renewal or revision, the employee may be allowed to take leave (compensatory, sick, vacation, bonus) until a decision is made.

EMERGENCY FURLOUGH
The University President or Chancellor, in consultation with the Governor’s Office and the State
Budget Director, may declare an emergency furlough (Conditions IV-V) if the University remains totally closed or partially closed for an extended period of time. A furlough is a temporary layoff from which employees are expected to be recalled.

Permanent employees who are on an emergency furlough:

- Continue participation in State Health Plan. The University shall continue paying the employer contribution on behalf of the employee. The University will pay both the employee and employer contribution for the month following the initiation of the furlough, with the provision that the employee shall repay the State for any contribution made on his or her behalf unless otherwise directed by the State.
- Continue to accrue vacation and sick leave, as applicable (however, employees will not be allowed to use the leave during the furlough period).
- Continue to accrue Total State Service.

An employee may be eligible for unemployment benefits through the North Carolina Employment Security Commission while on emergency furlough. Employees should contact the North Carolina Employment Security Commission for further details. If, at the end of the emergency furlough period, it is determined that the University no longer requires the services of these employees, normal University layoff provisions would apply.

**SPECIAL HIRING PROVISIONS**

During the communicable disease emergency, if new hires are needed to cover emergency operations, the Chancellor is authorized to execute the immediate hiring of an individual who is determined to be qualified and able to do the work by:

- waiving the posting policy,
- waiving the minimum qualifications policy,
- waiving the hiring of relatives (nepotism) policy, and
- authorizing the University to offer competitive salaries for the duration of the emergency.

Employees hired under these conditions should be given a temporary or time-limited permanent appointment.

**QUESTIONS**

If you have questions regarding this policy, contact the Employee & Management Relations Specialist assigned to work with your department.

**RELATED DOCUMENTS**

[Communicable Disease Mandatory Employee Notification Memo - Sample](#)