

# Return to Campus and COVID-19 Workplace Accommodation & Flexibility Training

Training for School of Medicine Supervisors, Managers, and HR Officers

July 2020

## Today's Training Goals

- Help you know how and when to engage staff in thinking about returning to campus
- Provide you tools for navigating conversations around return to campus and concerns staff have
- Make you aware of the University processes for providing accommodations or other workplace flexibility employees may need as we return to campus
- Share available resources

# Returning to Campus

- **Guiding Principles**
  - The best Carolina experience is one that occurs here on campus where that is all possible.
  - The safety and well-being of our campus community is paramount to all other considerations.
  - University Leadership will communicate with our students and their families and our faculty and our staff on a regular basis as decisions are made.
- **Fall 2020 Return to the Workplace**
  - Phased approach starting with the Research enterprise on June 1, ramping up through July
  - Preparing to start the instructional year on August 10 by returning the faculty, staff, and graduate students who support the University's teaching mission and student support functions through June and July
  - Other staff to return on a phased basis

# Preparing to Return to Campus

- **Community Standards**
  - Masks
  - Physical Distancing
  - Health Monitoring
- **Staying Safe**
  - Cleaning and Disinfecting
  - Physical Distancing and Space Configurations
  - Rotating Schedules/Flexibilities/Accommodations
- **Other Considerations**
  - Parking and Transportation
  - Dining

# School of Medicine

- **SOM/University Credentialed Providers**
  - Use UNC Health High Risk Process
  - If dissatisfied, may seek accommodations through EOC if
    - UNC Employee and
    - Requesting based on disability
- **Other School of Medicine Staff**
  - If you can work from home, continue to work from home
  - May seek accommodations or flexibility but do not have to do so until given a return to campus date

## Potential Requests

### ACCOMMODATIONS BASED ON EMPLOYEE'S HEALTH

- Handled by Equal Opportunity and Compliance Office (EOC)
- Includes any requests based on **employee's own** health condition
  - Disabilities under the Americans with Disabilities Act
  - Other health conditions on the CDC's high risk list
- Not a family member's health condition

### GENERAL WORKPLACE FLEXIBILITY

- Handled by managers or supervisors
- Includes age, child or elder care, living with or caring for high risk individual(s), general concerns
- Disproportionate impact on communities of color

# Health-Based Accommodations

- **Americans with Disabilities Act Accommodations**
  - Requires us to provide **reasonable accommodations** to individuals with a disability unless it would pose an undue hardship to the University
  - Includes cancer, diabetes, HIV, obsessive compulsive disorder
  - May also include other high-risk conditions
- **Other Health-Based Accommodations**
  - Weight
  - Pregnancy
  - Other high-risk conditions not rising to level of disability
- Employees will be asked to certify that they can and will provide medical documentation supporting their request if asked
- Goal is to limit or eliminate possible exposure

## Seeking accommodations or workplace flexibility is always **voluntary**.

### Determining Who Needs Flexibility

#### NOT PERMISSIBLE

- May **not** require employees to work remotely because of assumptions or knowledge about their high risk status
- May not single out a particular employee and ask whether they need accommodations or flexibility

#### PERMISSIBLE

- May send a group communication asking those who anticipate needing accommodations or flexibility to seek them now in order to determine on-site staffing availability
- May designate employees to continue working remotely to promote social and spatial distancing as long as done based on neutral business needs

# Initiating the Conversation

- Email staff you supervise
- Remind them that while SOM instruction will resume August 3<sup>rd</sup>, SOM operations return to campus will be phased and on a unique schedule by work unit
  - Make them aware that the University is committed to providing accommodations under the Americans with Disabilities Act and workplace flexibility, where possible
  - Communicate that requesting accommodations or flexibility is **voluntary**
  - Ask those who would like to seek accommodations or flexibility to contact the appropriate person
    - EOC if requesting ADA accommodations
    - Supervisor if requesting flexibility, who will be expected to act consistently within the department's approved parameters regarding flexibility

# What information should I ask for?

- Ask them to communicate
  - If they need workplace flexibility due to COVID-19
  - What that workplace flexibility looks like for them
- The University will **not** require employees to provide documentation to support workplace flexibility requests.
  - Requesting flexibility is sufficient on its own
  - If you believe you need documentation, consult with EOC, Departmental Human Resources Representative, and/or OHR
  - If you receive documentation referencing a medical condition, do not review the information and once it is clear the document includes medical information, it should be sealed and forwarded to their HR Consultant for appropriate handling.

# Guiding Principles

- **Decisions should be made without regard to any protected status.**
  - Age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religious, sex, sexual orientation, veteran status
- **Strive for consistency in decision making process**
  - Process requests from similarly-situated employees the same way
  - Recognize that equity does not mean everyone gets the exact same thing
- **Avoid favoritism**
- **Process should not be used to address performance or conduct concerns**

# How do I make these decisions?

- **Key Questions:**
  - Is the employee making the request based on their **own** health condition?
    - If so, are they a UNC/SOM credentialed provider?
      - If yes, refer to UNC Health High Risk Process
      - If no, refer to the EOC
  - Does the employee want to discuss what leave options may be available to them?
    - If so, refer to your Departmental Human Resources Representative and/or OHR Benefits & Leave
  - If no to both of these, consider provided questions and know when to ask for help

# FACULTY REQUESTS

- Is the course required by the School to be taught in person?
  - If yes, is the faculty member requesting to teach remotely the only faculty member with the expertise to teach the course?
  - If no, have the other qualified faculty members also requested flexibility to teach remotely?
- Can a portion of the course be offered remotely?
- In what ways will failure to teach the class now impede student progress?
- What impacts, if any, do the social distancing and spatial distancing requirements, have on the student experience for this class?
- Can the instructor be assigned a section of the class that meets later in the day?
- Can the instructor be assigned fewer in-person courses total?
- Can students be required to contact the instructor over email or Zoom?
- How can traffic flow in the classroom be managed to minimize interactions?
- Should additional protective equipment be provided?

# STAFF REQUESTS

- Is it feasible for the employee's work to be done remotely?
- Special equipment on-site only?
- Physical presence necessary to meet student/customer needs
- Impact on demand for in-person services
- Other staff who could perform those duties
- Impacts on quality or speed of service
- Where does the work need to be performed on-site?
- When does the work need to be performed on-site?
  - Consider impact of lengthened class day on demand times
- If an employee must work on-site, what measures can be put in place to protect them while on campus?
  - Partial telework
  - Schedule change
  - Location change
  - Additional protective equipment

## When should I seek help?

- EOC, the Office of Human Resources, and your Departmental Human Resources Representative are **always** available to help navigate these decisions.
- Ask for help if:
  - You believe you need to deny a request
  - You have multiple requests for flexibility and would not have adequate staffing if you granted all of them
  - If the employee raises concerns about protected status, inconsistency, or favoritism
  - You aren't sure if you are allowed to provide what the employee is requesting
  - You need the help of another office to put the flexibility into action
  - Anything else you're unsure about

# Resources

- Equal Opportunity and Compliance Office
- School of Medicine Employment & Management Relations Team
  - Lisa Voss
  - Derek Hoar
- Departmental Human Resources Representative
- Office of Human Resources
  - Benefits & Leave Administration Support Team
  - Employee & Management Relations
- Email questions to [hr@unc.edu](mailto:hr@unc.edu), and it will be routed to the appropriate office(s).

# Granting Flexibility

- **Communicate decisions in writing to employee**
  - Include Departmental HR representative
- **Include the flexibility plan and the duration**
  - Duration should not be “until there is a vaccine” and should be no longer than one semester
  - Determine a reasonable period of time based on the employee’s position and request
    - i.e., “until September 30, 2020”
  - Reevaluate whether flexibility can continue prior to the expiration of the set period
  - Cannot grant permanent remote work for any employee

# Denying a Request for Flexibility

- Before denying a request for flexibility, you **must**:
  - Consider all alternative options to meet the employee's need for flexibility
  - Consult with EOC, and/or OHR by contacting [hr@unc.edu](mailto:hr@unc.edu)

# Avoiding Retaliation

- Retaliation for seeking an ADA accommodation or workplace flexibility is **prohibited**.
- Retaliation: any adverse action or attempted action that would discourage a reasonable person from engaging in protected activity and includes –
  - Intimidation, threats, coercion
  - Adverse employment actions



Talking with your Employees  
about Returning to Campus

Preparing  
for the  
Conversation



Having the  
Conversation



Following Up



## Preparing for the conversation

# Check your own biases

How are you feeling about returning to work?

Acknowledge how the current social climate is impacting you and impacting others

How can you prevent your personal viewpoints from influencing this conversation?

**Preparing  
for the  
conversation**

# **Lead with Empathy**

**Understand what your employees have on their plates**

**Employ a person-centered approach**

Preparing  
for the  
conversation

Get clear on the  
type of conversation

Will this be a negotiation or will it be a  
directive?

## Having the conversation

**Understand the nature of the work to be accomplished**

Be creative and flexible

**Hold an empathy-driven, directive conversation**

Understand where they are coming from and make informed decisions with fairness and care

Be flexible when you can and make sure it's applied across the board

# Having the conversation

## Pause

Even if we don't have the answers now,  
it's ok to pause and address it later

Don't make up answers on the fly that could  
have consequences

Write down questions and concerns and try not  
to answer in the moment

Having the  
conversation

## Have patience

These are unprecedented times and everyone is doing the best that they can

## Following Up

### **Assess and Re-assess**

Set a date to follow up and see if work plans need to change

Check in frequently to make sure work is getting done and employees have what they need to be successful

# Resources

<p><b>Workplace Flexibility</b></p> <p>Contact <a href="mailto:hr@unc.edu">hr@unc.edu</a></p>	<p><b>Navigating Conversations</b></p> <ul style="list-style-type: none"><li>SOM Employment &amp; Management Relations</li></ul> <p>Lisa Voss <a href="mailto:lisa_voss@med.unc.edu">lisa_voss@med.unc.edu</a></p> <p>Derek Hoar <a href="mailto:derek_hoar@med.unc.edu">derek_hoar@med.unc.edu</a></p> <ul style="list-style-type: none"><li>Report and Response Coordinators <a href="mailto:reportandresponse@unc.edu">reportandresponse@unc.edu</a></li></ul>	<p><b>Discrimination or Harassment</b></p> <ul style="list-style-type: none"><li>Equal Opportunity and Compliance Office <a href="mailto:eoc@unc.edu">eoc@unc.edu</a> <a href="mailto:reportandresponse@unc.edu">reportandresponse@unc.edu</a></li></ul>	<p><b>Support for You</b></p> <ul style="list-style-type: none"><li>Ombuds Office</li><li>Employee Assistance Program</li><li>OHR Wellness Programs</li></ul>
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Questions?