

COVID-19 Accommodations and Workplace Flexibility

Training for Supervisors, Managers and HR Officers

June 2020

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

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

Potential Requests

AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS

- Handled by Equal Opportunity and Compliance Office (EOC)
- Includes requests based on **employee's own** health condition
 - Not a family member's health condition
- Includes CDC-identified high risk health conditions

GENERAL WORKPLACE FLEXIBILITY

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

ADA Accommodations

- ADA requires us to provide **reasonable accommodations** to individuals with a disability unless it would pose an undue hardship to the University
- Employees will be asked to certify that they can and will provide medical documentation supporting their request if asked
- Equal Employment Opportunity Commission:
 - “There may be reasonable accommodations that could offer protection to an individual whose disability puts him at greater risk from COVID-19 and who therefore requests such actions to 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 instructional operations will resume on August 10
 - 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
 - Department Chair if requesting 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, it must be kept confidential and not part of the employee's personnel file

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, 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

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**
- **Departmental Human Resources Representative**
- **Office of Human Resources**
 - **Benefits & Leave Administration Support Team**
 - **Employee & Management Relations**
- **Email questions to hr@unc.edu, and it will be routed to the appropriate office(s).**

Granting Flexibility

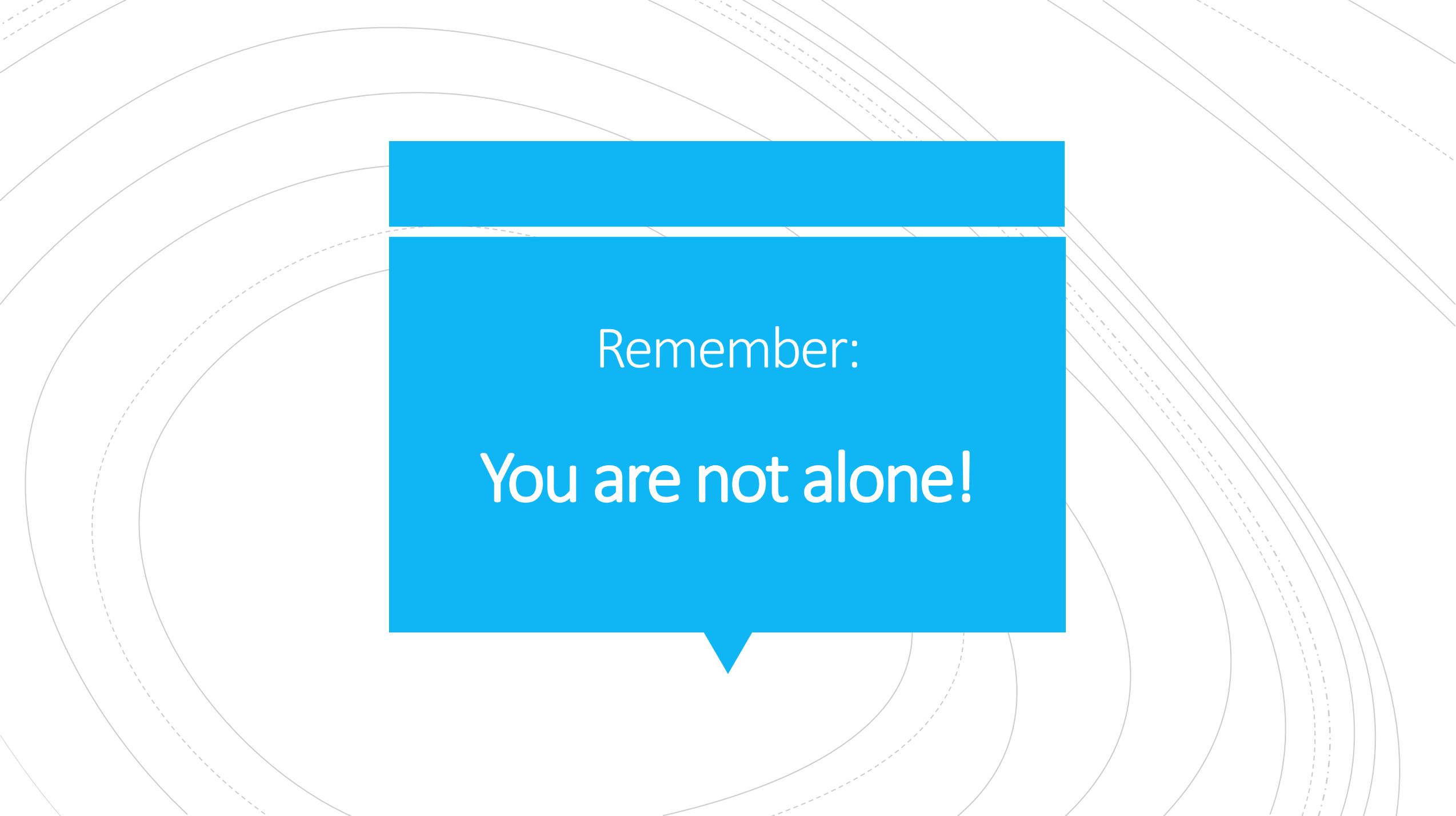
- **Communicate decisions in writing to employee**
 - Include Departmental HR representative
- **Include the flexibility plan and the duration**
 - Duration should not be “until there is a vaccine” and should be no longer than one semester
 - Determine a reasonable period of time based on the employee’s 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

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



Remember:

You are not alone!



Talking with your Employees
about Returning to Campus

Preparing
for the
Conversation



Having the
Conversation



Following Up



The background features several sets of concentric, curved lines in shades of gray, some solid and some dashed, creating a sense of motion and depth. A prominent blue speech bubble shape is positioned on the left side, containing white text.

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?

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Preparing
for the
conversation

Lead with Empathy

Understand what your employees have on their plates

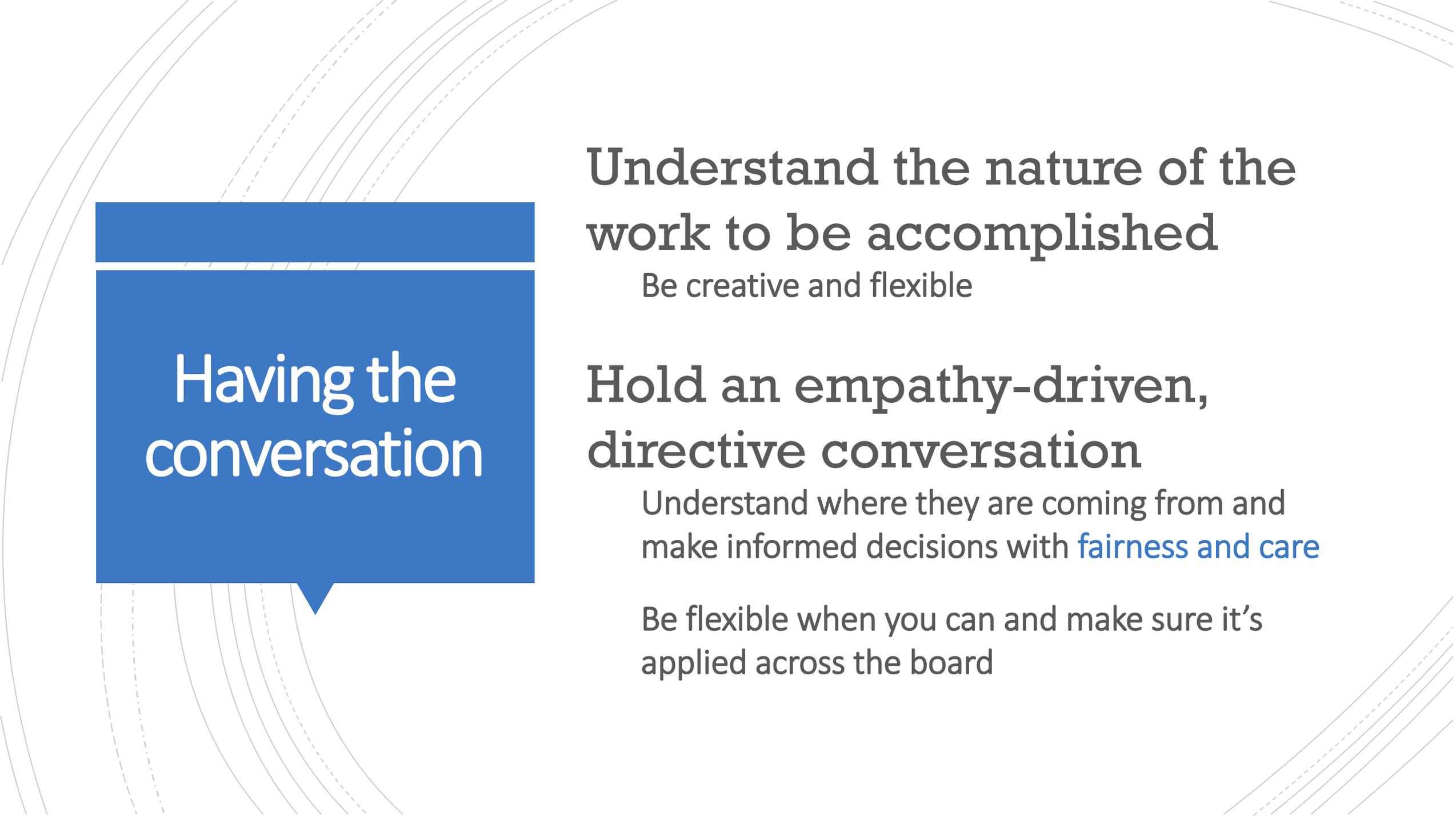
Employ a person-centered approach

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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

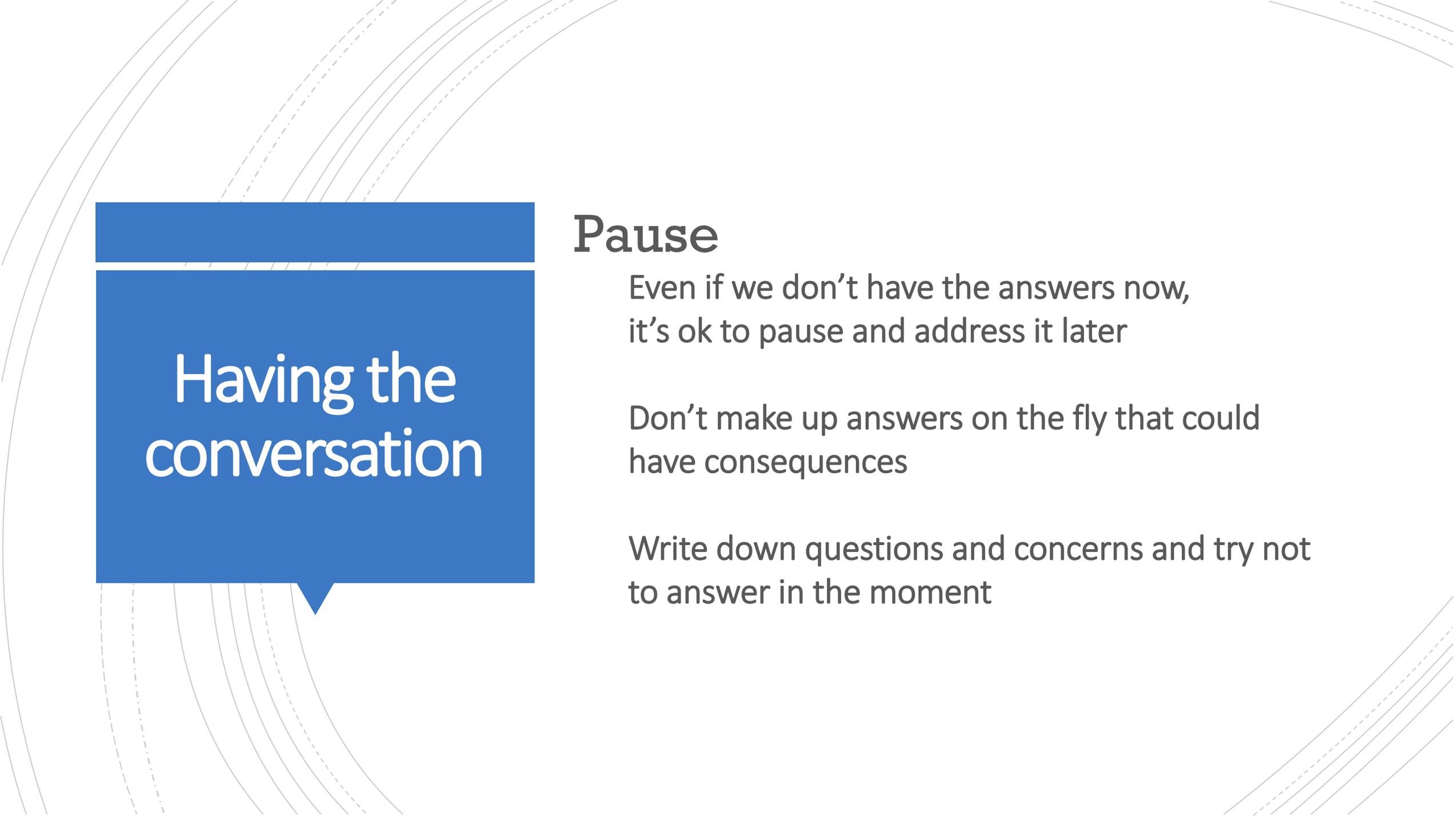
Understand the nature of the work to be accomplished

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

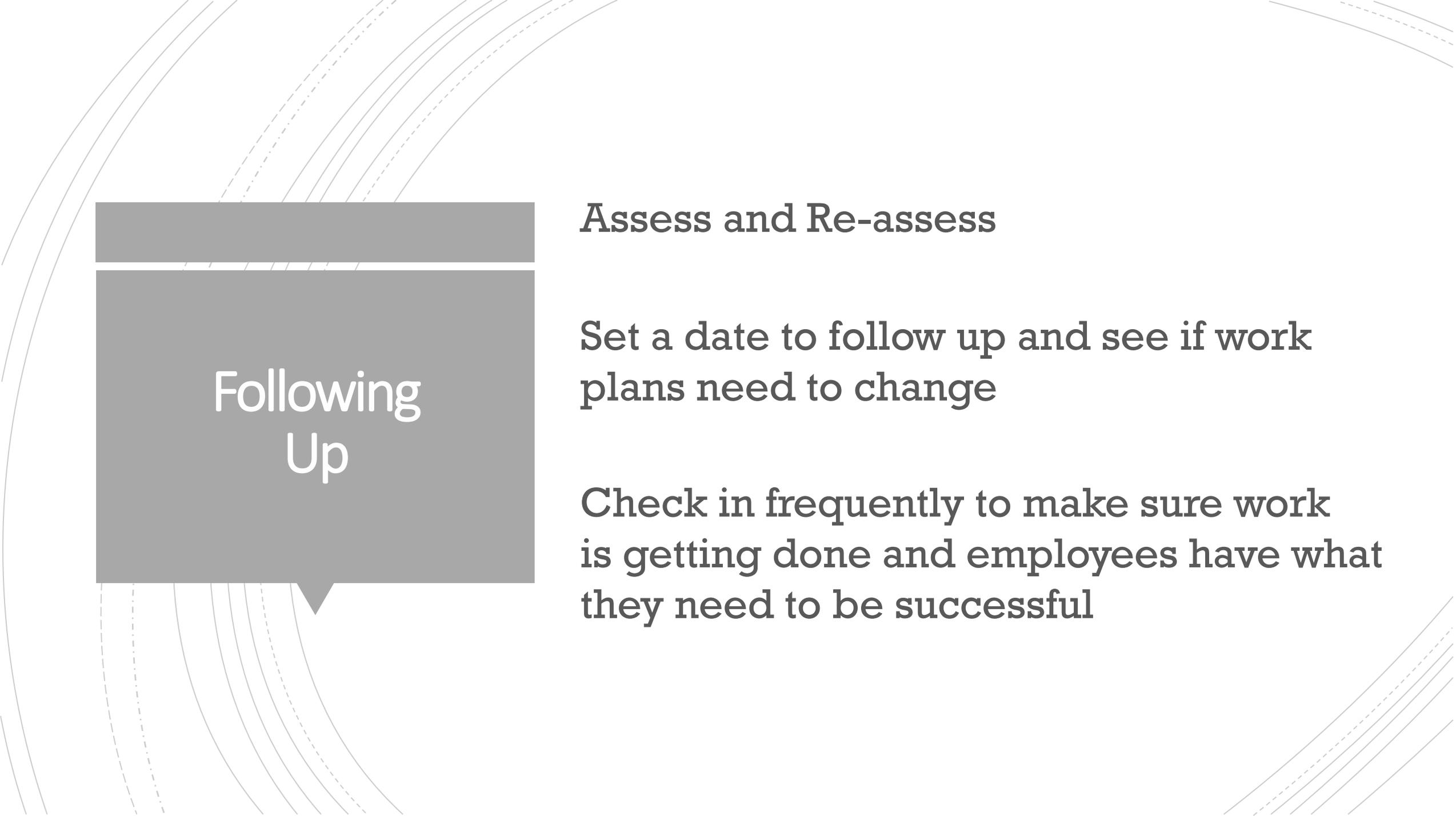
Write down questions and concerns and try not to answer in the moment

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Having the
conversation

Have patience

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



Following Up

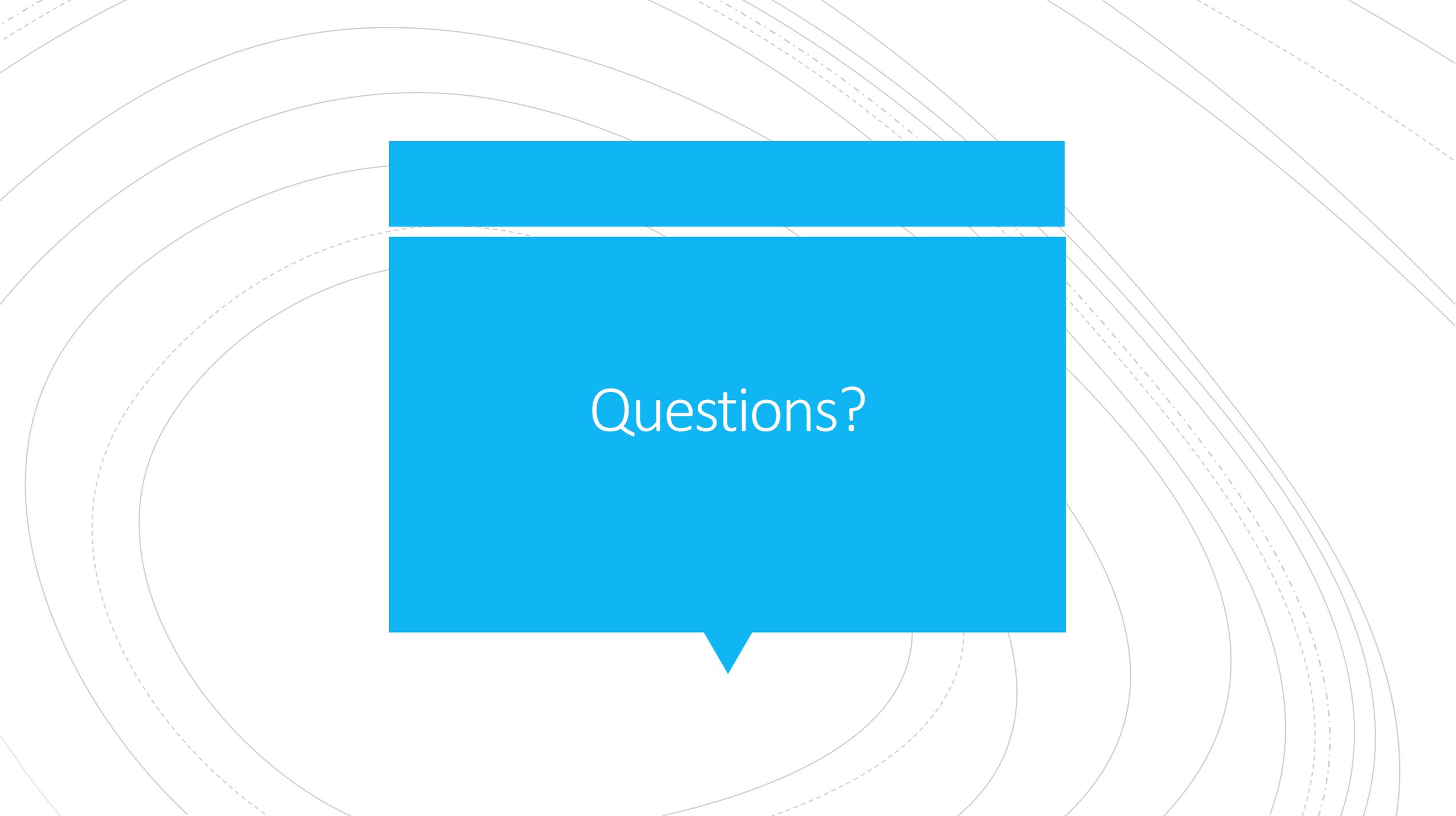
Assess and Re-assess

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

Workplace Flexibility	Navigating Conversations	Discrimination or Harassment	Support for You
<p>Contact hr@unc.edu</p>	<ul style="list-style-type: none">• Employment & Management Relations• Report and Response Coordinators reportandresponse@unc.edu	<ul style="list-style-type: none">• Report to the Equal Opportunity and Compliance Office• Contact Report at eoc@unc.edu and Response Coordinators at reportandresponse@unc.edu	<ul style="list-style-type: none">• Ombuds Office• Employee Assistance Program• OHR Wellness Programs

The image features a central blue speech bubble with a white question mark. The background is white with several concentric, overlapping circles in light gray, some solid and some dashed, creating a subtle pattern. The speech bubble is a solid blue rectangle with a small triangular tail pointing downwards at the bottom center. The text 'Questions?' is centered within the bubble in a white, sans-serif font.

Questions?