

FAQs for Fall Framework

As of June 30, 2020

1. What happens if an employee expresses a concern regarding a household member that has a high risk for severe illness of COVID-19 as defined by the CDC?

Flexible work arrangements are only available for the employee's own situation based on the categories outlined by the CDC. All other requests are based upon the applicable CBA/University Policy.

2. Does the university have to approve a long-term leave request submitted by employee?

No. Universities should review leave requests and approve/disapprove the leave based on operational needs.

3. Does a manager have to approve an employee's request to utilize their available accrued leave, if that employee had their request for a flexible work arrangement declined?

See #2 above.

4. If an employee has childcare issues and does not qualify for FFCRA because they are an emergency responder or healthcare provider what options are available to them?

The employee may request leave under their applicable CBA/University Policy. Use of leave may be approved based on operational need.

5. Is the University able to establish a deadline for when flexible work arrangement requests can be made?

The deadline for faculty submission of a request for a flexible work arrangement is July 17, 2020. All other employees should submit the request as soon as reasonable. Requests will be accepted after the deadline, but priority will be given to requests made by the deadline.

6. Should there be a different outcome for employees who reject a flexible work arrangement that management has offered, versus employees where a flexible work arrangement cannot be identified?

No. The refusal to accept the University offered flexible work arrangement and the inability to identify a flexible work arrangement result in the same outcome.

7. When does the current liberal leave and leave without pay, with benefit provisions expire?

(Date to be determined).

8. When does the waiver of the requirement of a doctor's note for sick leave use of more than 3 days expire?

This expires on the same date as #7 above.

9. What is a “disability” under the ADA?

Under the ADA, an individual with a disability is someone who has **“a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.”**

10. What is required if an individual, who is determined to have a “disability” as defined by the ADA, seeks a reasonable accommodation?

Regarding a current employee, the employer is required to engage in an interactive process with the individual to identify any “reasonable accommodation” that can be made. A reasonable accommodation is a modification or adjustment to a job, and/or the work environment that will enable the individual to perform the essential functions of the job.

11. Is a person who is in a high-risk category for COVID-19 (as defined by the CDC) protected by the ADA?

They are protected by the ADA only if they have a “disability”. See above FAQ for definition. Many individuals who are in a high-risk category for COVID-19 will not meet the ADA definition of disability, and therefore a reasonable accommodation under the ADA will not be applicable. Instead, a flexible work arrangement may be considered.

12. For employees who are not protected by the ADA (because they do not have a “disability”), what type of flexible work arrangements can be considered?

Here are some flexible work arrangements that may be considered, but this is not an all-inclusive list. Other flexible work arrangements may be available based upon the type of job:

- Remote work
- Change in work location on-campus (e.g. private office, larger classroom)
- Change in work schedule
- Change in work duties
- Alternative/additional personal protective equipment (e.g. face shield, plexiglass barrier, etc.)

13. Can employees take their masks off at their desks?

Employees isolated in their personal office space, when unshared with any other colleagues, do not need to wear a mask. However, when the employee leaves their individual office or has invited a colleague into their office, they must wear a mask. Additionally, one cannot wear a mask while eating or drinking. At those times, social distancing techniques should be applied.

“Personal office space” may include cubicles. This cannot be approached as a one sizes fits all, meaning there may be instances where a mask should still be worn even if an employee is seated at their cubicle because the partitions are low and do not provide a barrier between employees, especially in those situations where employees are seated within 6’ of each other.

14. How do we enforce social distancing of employees in cubicles, bathroom stalls, etc.?

All employees are individually responsible for monitoring their own **personal** social distancing efforts.

Ultimately, managers and supervisors are responsible for enforcing **workplace** social distancing, especially in how employees are situated within their workspace.