

*This document has been endorsed by the President and Vice Presidents of The University of Iowa. We consider it a working document based upon current policies and expect that it may be revised as new information becomes available related to operations during a disaster or pandemic, or based on further direction we may receive from University leadership, the Board of Regents, the State of Iowa, and/or other civil authorities. We urge you to familiarize yourself with this and other disaster-related materials in order to be optimally prepared in the event of a disaster or pandemic.*

## **The University of Iowa Human Resources**

### **COMMON QUESTIONS AND ANSWERS TO HUMAN RESOURCES CONTINGENCY PLANNING ISSUES**

#### Job Assignments/Reassignments

- 1. As manager or supervisor, can I make a temporary change to employees' job assignments so that my department/unit can continue our primary (essential) functions during a communicable disease outbreak?**

Yes, the University has the right to reassign employees to work outside their usual classifications/responsibilities to the extent they are qualified and can safely perform the work. This includes employees with the necessary skills that are needed to work outside their colleges/divisions. In these cases, the University will notify these employees that they are designated as performing essential functions and when and where they must report to work.

- 2. Does it follow that I can make a temporary change to an employees' assigned shift and/or assigned work schedule during a communicable disease outbreak?**

Yes. The University has the right to temporarily adjust employees' work schedules to meet operational demands. This adjustment may be made on a case-by-case basis depending upon operational considerations. However, the ability to do so may be limited by a collective bargaining agreement; you should consult the applicable agreement for the classification(s) with which you are working and/or your HR Unit Representative.

#### Curtailment of Operations (Closure) and Employees' Pay Status

- 1. If I have to postpone our departmental business because of a communicable disease outbreak, can I send employees home?**

Yes. If your Department Head or Dean determines to close all or part of the department's operations based on an emergency, then you have the authority to send employees home. The Operations Manual policy addressing *Dealing with a Disrupted Work or Academic Environment* (Disrupted Workplace Policy – DWP) recognizes that the workplace may be closed due to the crisis situations that adversely affect normal University operations.

(See Question #5 below regarding pay issues)

- 2. Can I allow employees to telecommute or work alternate work schedules in order to continue operations?**

Yes. In reviewing your staffing situation, allowing your employees to telecommute may be a viable option during this critical period. Please refer to the DWP and information relating to Flexible Work Arrangements included on the Family Services web site.

**3. What right does a supervisor have to require that an employee report to work or remain at work during a public health emergency?**

Management retains the right to schedule work and assign duties to employees. If an employee is unable to report to work as scheduled due to illness or injury, the supervisor may require medical documentation authorizing an absence. Please consult with Employee and Labor Relations should you require further clarification.

If a staff member is directed to report to or remain at work, is otherwise able to report to or remain at work, and refuses the directive of a proper authority to report to or remain at work, normal corrective action procedures should be followed as appropriate either immediately or once the emergent situation has stabilized, and upon consultation with the Senior HR Leadership Representative for the respective college/division.

**4. The employees who are directed to report to work might have extraordinary circumstances relating to childcare placement or extra expenses. Can UI assist them?**

Family Services (335.1371) provides information and referrals to UI staff and faculty regarding family care issues. Managers should direct employees to this unit for assistance.

**5. If my department closes for the duration of an emergency, and the employees are sent home, what is their pay status?**

Employees must use accrued leave or leave without pay as authorized by University policies and collective bargaining agreements. Timely processing of unpaid leaves is critical in order to avoid overpayments to employees. Normal leave policies will be applied until and unless a decision to change them for the emergency event is made by the proper authority and communicated to campus. Any changes to normal paid leave practices made by the proper authorities during an emergency event will be communicated to faculty, staff, and students by the University.

**6. If units are shut down, but some positions need to be filled, and there are more available employees than open positions, how do we prioritize who is permitted to work?**

We cannot answer this question definitively. An important component of each department's pandemic preparedness planning process is to identify its essential functions, a succession of persons available to perform the functions in the event of staff absences, as well as a succession of persons to whom overall authority would be designated in the event of illness(es). In addition, collective bargaining agreements may have provisions related to temporary layoff that will need to be consulted.

In the event of a health emergency, management has the right to schedule work and assign work duties to employees while balancing operational needs. Managers have the discretion to reassign an employee's job duties as deemed necessary to the extent they are qualified and can safely perform the work, and to explore alternate arrangements in order to ensure that essential operations continue.

**7. Are there issues we need to consider regarding working at home, such as worker's compensation?**

Managers may consider allowing alternate work arrangements including working at home by assessing their operational needs. In fact, it may be prudent for the department and the employee to work together to find ways to enable employees to perform their job functions while away from the central work location.

Employee and Labor Relations or Family Services may assist managers in evaluating the issues when considering approving alternate work arrangements. Managers should refer to the information relating to alternate work arrangements on the Human Resources web site at: <http://www.uiowa.edu/hr/oe/worklife/famserv/flexwork/index.html>

With respect to worker's compensation, the telecommuter's at-home work area is an extension of his/her office work space. Injuries occurring in the work place during work hours are covered under Workers' Compensation, just as an injury would be if it occurred at the central work location. The telecommuter should be instructed to notify the supervisor immediately. The supervisor shall, upon being made aware of it, immediately refer the employee to the Workers' Health Clinic. A First Report of Injury must be completed.

**8. What would happen to employees' pay if they have no sick leave or vacation leave available?**

Unpaid leave may be requested and granted consistent with policies and/or collective bargaining agreements for the respective employee group.

Otherwise, any changes to normal paid leave practices made by the proper authorities during an emergency event will be communicated to faculty, staff, and students by the University.

**9. If the campus or certain departments are closed, how long will employees be paid? If closed, can units who are self-supporting continue to pay employees longer than campus if funds are available, or pay them for a longer period of time?**

Any changes to normal paid leave practices made by the proper authorities during an emergency event will be communicated to faculty, staff, and students by the University.

**10. Can we ask staff to do work or professional development (read, take online courses, etc.) from home and pay them for that time?**

Yes.

Notice to Employees and to the Unions

**1. Can I tell employees about our emergency response plans?**

Yes. Employees should know what to expect before a public health emergency occurs. In those departments that expect to remain operational, employees need to know what role they will play. Therefore it is prudent planning to include your employees in the development of contingency plans and inform them of the communications plan.

**2. Do we have the obligation to notify the unions prior to implementing the unit's contingency plan?**

The majority of the decisions you will make are well within UI's right to manage the workplace under a collective bargaining agreement. We recommend that you do not delay implementation, thereby not impeding continued operations. However, we suggest that you advise Employee and Labor Relations as these changes are implemented; we will notify the unions with a blanket notice, if necessary, and as soon as possible.

## Health and Safety Considerations

- 1. Currently, units require physician verification for absences in excess of three days. Will this expectation remain, given that this may not be practical in the event of a pandemic (physician care not available, healthy employees choosing to stay home to avoid possible infection)?**

Departments will be expected to maintain their existing expectations related to absences during a pandemic situation. Employees will continue to be responsible for complying with the established work schedule and existing absence reporting policy. If due to circumstances outside of the employee's control, s/he is unable to comply with departmental policy, management will evaluate the situation on a case-by-case basis.

In the event that a healthy employee wishes to stay home to avoid exposure, s/he is still expected to comply with the existing departmental policy. The employee acts in accordance with existing procedure by requesting time off from his/her supervisor. To be considered an authorized absence, the time off must be approved by the supervisor in advance. Approval of vacation will be at supervisor discretion in order to meet operational needs.

- 2. Can we send people home if they are sick? Only for flu-related illnesses? How will we determine whether people have the flu?**

Yes, employees may be sent home if they are sick. The University is required to maintain a safe and healthy environment, and has broad discretion over when and where an employee is to work.

With respect to determining whether someone has the flu, managers will follow the appropriate guidelines from the Centers for Disease Control (CDC), Employee Health Clinic, and Student Health Services as information becomes available. Both the Employee Health Clinic and Student Health Services will be available for consultation as the need arises.

- 3. Can we ask people if their symptoms are consistent with those of the pandemic virus?**

Yes. The information received is considered to be confidential and is to be used in support of the individual's health and related employment needs. For those covered by the collective bargaining agreement with SEIU Local 199, the inquiry may not happen at the time of the initial call-in but should be timely thereafter.

- 4. Will mental health counseling be available for employees? Will there be a central location where resources for staff can be found?**

Yes. Services provided by Faculty and Staff Services, the UI Employee Assistance Program, are important components of the University's established preparedness plans. Employees may also access mental health services as covered under the University medical plans.

- 5. One of my employees has a disability, what should I do to ensure the safety of that person during a communicable disease outbreak?**

Should you observe or the employee discloses a relationship between the pandemic and that employee's inability to perform his/her job duties, you should discuss these concerns with the employee. Engaging in the "interactive process" gives you the opportunity to explore the need for accommodations and available alternatives to allow him/her to perform the essential functions of the position. This process ensures compliance with The University of Iowa's policy in support of the American Disabilities Act (ADA). Procedure information is available at

<http://www.uiowa.edu/hr/fsds/ada/procedures.html> and departments should seek procedural assistance from Faculty and Staff Disability Services.

Employee contact lists:

**1. Is it advisable to ask for contact information when employees are out on personal vacation?**

Yes. If your department has determined that certain employees responsible for performing essential functions may need to be contacted during periods they may not be scheduled to work, it is advisable to request their contact information. Such information may include personal telephone numbers, cellular phone numbers, fax numbers, e-mail addresses, etc. If your department has not already done so, we suggest that you define the essential functions performed within your department and compile a list of positions necessary to perform those essential functions. This will allow you to amend the formal job descriptions for those positions to include the necessity of providing contact information.

**2. Can we legally require employees to provide a contact number?**

Yes, if there is a business need to do so and the employee is given reasonable notice of the job requirement. Management should also maintain only such information as specifically authorized by the employee and the context in which this information will be used should also be disclosed to the employee, i.e., personal telephone numbers will be confidential, the list will not be openly distributed, and will only be accessed for an emergency situation.

**3. Can we require employees to provide contact information when traveling on business?**

Yes, if there is a business need to do so.