Managing Workplace Adjustments and Accommodations
During COVID-19 Pandemic for Faculty and other Academic Appointees

UCI Office of Academic Personnel
August 21, 2020
Message sent to all Senate Faculty on June 30 from Hal S. Stern, Interim Provost and Executive Vice Chancellor and Diane O’Dowd, Vice Provost, Academic Personnel

Workplace Adjustment and Accommodations

- Special needs or requests will be reviewed on a case-by-case basis through an interactive discussion with faculty who wish to change where or how they work.

- If you need to have a different work arrangement due to a disability or COVID-19 related reason, discuss your need with your department chair and your equity advisor.

- They will work with you along with your chief personnel officer, the Office of Academic Personnel, and the campus Disability Management Consultant to find a solution that works for both you and the department.

- The Office of Academic Personnel will provide guidance and has final approval for accommodation requests.
Workshop Facilitators

- Tanisha Willoughby
  Academic Employee and
  Labor Relations Manager

- Marianne Liu Beckett
  Assistant Vice Chancellor,
  Academic Personnel

- Nina Bandelj
  Associate Vice Provost,
  Faculty Development

- Ilona Pak
  Associate Director,
  Academic Personnel
Agenda: COVID-19 Accommodations for Faculty & Other Academic Appointees

■ Disability Accommodations
  – ADA regulated, follows established procedures, APP-7-30

■ Workplace Adjustments related to COVID-19
  – Additional considerations related to COVID-19
Who may have workplace adjustment needs related to COVID-19?

- Employees at increased risk for severe illness
- Pregnant employees
- Employees living with or caring for individuals at increased risk
- Employees with childcare issues
- Employees who are fearful or concerned about return to onsite work

Some of these situations require **Disability and Reasonable Accommodation** and may require engagement in the **Interactive Process (IP)**.

**Workplace Adjustment** considerations should be approached through dialogue with the employee regarding their concerns but do not require the IP.
Communications Guidelines Around Disability Accommodations and Workplace Adjustments

- Communicate early and clearly
- Engage in dialogue with faculty and other academic employees who may need accommodations or adjustments.
  - Ask open ended questions such as, “What can we do to support you?”
- Avoid making assumptions about what faculty and other academic appointees may need to protect their health.
  - Let the individual tell you what they need for support.
- Address safety concerns
  - Ask open ended questions to identify concerns—“What can we do to help you feel more comfortable coming to work?”
- Be attentive to the need of consistent treatment of similarly situated faculty and other academic appointees
- Consider that relevant information may change based on changing CDC guidelines and/or UCOP guidance
Which process do you follow?

Disability Accommodations /Interactive Process (IP):
- Disability (physical, emotional, or learning)
- Pregnancy or related
- Illness including COVID-19

Workplace Adjustments:
- Increased risk category
  - Childcare issues due to daycare/school closure
  - Concerned or fearful of returning to worksite
- Disability Accommodations /Interactive Process (IP)
- Pregnancy or related
- Illness including COVID-19
Terms & Definitions

- **Reasonable Accommodation** - an adjustment to a job, or to physical tools and surroundings, or a provision of assistance, that will enable an employee to perform the essential functions of their position without imposing an undue hardship on the operation of the employer’s business.

- **Interactive Process** - The IP is an ongoing dialogue between the appointee and appropriate representatives of the University about possible options for reasonably accommodating an appointee with a disability.

- **Individual with a disability** - is a person who has a physical or mental impairment that substantially limits one or more of the major life activities; has a record of such an impairment; or is regarded as having such impairment.

- **Health conditions related to COVID-19** - A health condition is determined to be related to COVID-19 by the academic appointee’s healthcare provider. If an academic appointee cites a related condition (not directly COVID-19), the academic appointee shall submit certification from their healthcare provider stating that the condition is related to COVID-19.

- **Elevated risk for COVID-19** - The elevated-risk population is defined as 60 years or older, people with certain health conditions (e.g. heart disease, lung disease, diabetes, kidney disease, and weakened immune system), or people who are pregnant.
COVID-19 Leaves: Available through 12/31/2020

- **EPAL** - Expanded Paid Administrative Leave*
- **EPSL (FFCRA)** - Emergency Paid Sick Leave**
- **EFML (FFCRA)** - Emergency Family Medical Leave**

*cannot be used by instructors for childcare/school closure.

**not available to healthcare workers (anyone appointed in SOM/CoHS) for childcare/school closure.

<table>
<thead>
<tr>
<th>UC Expanded Paid Administrative Leave (EPAL)</th>
<th>FFCRA Emergency Sick Leave (EPSL)</th>
<th>FFCRA Expanded Family &amp; Medical Leave (EFML)</th>
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</thead>
<tbody>
<tr>
<td>128 hours or 16 days for FTE prorated for part-time appointees</td>
<td>80 hours for FTE or the two-week equivalent for part-time appointees</td>
<td>Up to 12 workweeks for any eligible appointee</td>
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<tr>
<td>March 1 – December 31, 2020</td>
<td>April 1 – December 31, 2020</td>
<td>April 1 – December 31, 2020</td>
</tr>
<tr>
<td>No prior service requirements</td>
<td>No prior service requirements</td>
<td>On payroll for 30 calendar days immediately prior to the leave</td>
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Can be taken intermittently, and for exempt appointees is recorded in whole days. For hourly appointees, leave taken is entered in hours.

Qualifying reason for use – unable to work or telework because of:
1. Appointee’s own COVID-19 related illness or that of a family member*
2. Appointee directed not to come to worksite for COVID-19 related reasons and/or worksite has COVID-19 related remote work program or is under shelter in place order and it is not operationally feasible for employee to work remotely
3. COVID-19 related school or daycare closure requires appointee to be at home with child/dependent and it is not operationally feasible for appointee to work remotely or it is in conjunction with childcare commitment

Qualifying reason for use – unable to work or telework because of:
1. Quarantine or isolation order
2. Order by health care provider to self-quarantine
3. Experiencing COVID-19 symptoms and seeking diagnosis
4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine
5. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19
6. Other substantially similar condition specified by HHS Secretary

The use of EPAL “shall not adversely affect the delivery of essential University services.”

Instruction is an essential service of the University. Instructors are not eligible to take EPAL during their scheduled remote lectures/class sessions for criterion 3 above.

Health care workers and emergency responders are not eligible to take EPSL for Reasons 4 or 5 above.

Qualifying reason for use – unable to work or telework because of:
1. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19
   (same as reason #5 under EPSL)

Health care workers and emergency responders are not eligible for EFML.

Any prior use of Family & Medical Leave Act (FMLA) entitlement in 2020 reduces appointee’s entitlement under EFML. Any use of EFML also reduces FMLA entitlement in 2020 assuming appointee is eligible for FMLA. First two weeks of EFML are unpaid unless appointee elects to use other available paid leave. An employee’s maximum potential paid entitlement under expanded family and medical leave is 10 workweeks.
Case #1: Faculty member (or other academic appointee) has a health condition due to COVID-19.

- If the faculty member is sick, they should not be required to work.
- They may use available leave options, including COVID-19 related or other policy provided medical leaves.
- Additionally, the supervisor and the faculty’s designated department representative should ensure an interactive process upon resumption of work duties. The Disability Management Consultant shall be consulted if the academic appointee has any restrictions.
- If the faculty member is believed to have contracted COVID-19 in the course of carrying out their job responsibilities, this must be reported using the process described at: https://hr.uci.edu/disaster-relief/report-known-cases.php
Case #2: Faculty’s (or other academic appointee’s) household member has COVID-19.

- If working remotely is operationally feasible, they may continue to do so.
- If working remotely is not operationally feasible, they may have available leave options, including COVID-19 related or other policy provided leaves.
Case #3: Faculty (or other academic appointee) has self-identified as having elevated risk for contracting COVID-19 and doesn’t want to return to work due to risk of exposure.

- If operationally feasible, they should continue work remotely.
- If working remotely is not operationally feasible, follow the interactive process (IP) under the regular disability accommodation process.
- They may be eligible for different types of leaves, including COVID-19 related or other policy provided leaves.
Case #4: Faculty (or other academic appointee) has identified person(s) in their household as having elevated risk for contracting COVID-19. Academic employee doesn’t want to return to work due to risk of exposure.

- If working remotely is operationally feasible, they may continue to do so.
- If working remotely is not operationally feasible, then the supervisor should discuss additional safety precautions in the workplace.
Case #5: Faculty (or other academic appointee) is fearful of contracting COVID-19 at worksite.

- It’s understandable, but if coming to worksite is required, they need to fulfill their obligations.
- Provide information about the steps UCI and their department are taking to ensure a safe workplace.
- Refer/encourage them to reach out to UCI’s Employee Assistance Program to discuss their concerns in a confidential setting.
- Discuss leave without pay options.
- Other scenarios:
  - *Situation may evolve into a reasonable accommodation case.*
  - *Take appropriate disciplinary action including termination related to job abandonment.*
Case #6: Faculty’s (or other academic appointee’s) normal childcare/school has not reopened.

- If operationally feasible, they may continue work remotely.
- If working remotely is not operationally feasible, they may use one or more of the available leave options, including COVID-19 related or other policy provided leaves.

*Health care workers and emergency responders are not eligible for leave related to childcare/school closures (UC defines healthcare workers as those who work in all UC Health entities).*
COVID-19 Leaves: EPSL/EFML
(Family First Coronavirus Response Act (FFCRA))

■ Eligibility
  - Faculty unable to work because they are caring for their child whose school or place of care has closed (or whose child care provider is unavailable) due to COVID-19.
  - Faculty member must certify that there is no other suitable person to care for their child (or dependent) during the period for which leave is requested. For children older than 14, special circumstances need to be explained.
  - Faculty in the School of Medicine, Program in Public Health, School of Pharmacy and Pharmaceutical Sciences and Sue & Bill Gross School of Nursing are classified as health care workers and as such are not eligible for these leaves.

■ Coverage
  - By combining EPSL and EFML, faculty will receive pay and benefits for up to 12 weeks in total. Paid leaves are funded by the regular campus budget allocations.
COVID-19 Leaves: EPSL/EFML
(Family First Coronavirus Response Act (FFCRA))

Application Process

- Talk with your chair and/or equity advisor as soon as possible if you would like to apply for fall 2020.

- Complete the following forms:
  - University of California Employee Request for EPSL (select reason #5 on page 5 and complete corresponding section on page 6) and EFML (Complete pages 7-8) [https://ucnet.universityofcalifornia.edu/forms/pdf/employee-request-for-epsl-efml.pdf](https://ucnet.universityofcalifornia.edu/forms/pdf/employee-request-for-epsl-efml.pdf).

- Submit forms to Chair for approval and department will forward to Dean for approval.

- School submits signed UCI-AP-76 and the University of California Employee Request for EPSL and/or EFML to the Office of Academic Personnel.

- Final approval of leave request rests with Vice Provost for Academic Personnel. Decision regarding leave request will be communicated to requestor via School/Department.
Case #7: Faculty’s (or other academic appointee’s) normal childcare/school has reopened, but the person chooses not to send their child to school/childcare.

- If the childcare/school has reopened and working remotely is not feasible, they still need to fulfill their work obligations.
- If they cannot fulfill their work obligations, they may request personal leave, subject to normal approval process.
- Refer/encourage academic appointees to reach out to UCI’s Employee Assistance Program to discuss their concerns in a confidential setting.
Two follow-up Q&A sessions

For Chairs and Equity Advisors

DATE:  Tuesday, August 25, 2020
Time:  3-4 pm (PDT)
Join Zoom Meeting
https://uci.zoom.us/j/94570482867?pwd=VWRRYUNQOGNoQjI5ZE15MEF4S21qUT09
Meeting ID: 945 7048 2867
Passcode: 653512
One tap mobile
+16699006833,,94570482867#,,,,0#,653512# US (San Jose)
+13462487799,,94570482867#,,,,0#,653512# US (Houston)

For Chief Personnel Officers

Date:  Thursday, August 27, 2020
Time:  11 am-noon
Join Zoom Meeting
https://uci.zoom.us/j/94050331558?pwd=dXBwaGJqRFp3dU9pR1VCd2pQZUFrZz09
Meeting ID: 940 5033 1558
Passcode: 116748
One tap mobile
+16699006833,,94050331558#,,,,0#,116748# US (San Jose)
+12532158782,,94050331558#,,,,0#,116748# US (Tacoma)
Workplace Adjustment and Reasonable Accommodation Resources

- FAQs regarding workplace adjustments and/or accommodation: https://ap.uci.edu/covid19/covid-19-wellness-resources/addressingconcerns/

- Reasonable Accommodation: https://ap.uci.edu/policies-procedures/app/7-30/#open

- How to provide Reasonable Accommodation: https://ap.uci.edu/policies-procedures/app/7-30/how-to-provide-a-reasonable-accommodation/#open
Childcare/Dependent Care related Resources

- UCI Childcare Center reopening on 9/14/2020: [https://childcare.uci.edu](https://childcare.uci.edu)
  - Director of Childcare Services: Laura Finley-Zambrano ([lfinley@uci.edu](mailto:lfinley@uci.edu))
  - Website: [www.childcare.uci.edu](http://www.childcare.uci.edu)

- Family First Coronavirus Response Act (FFCRA) EPSL/EFML (Leaves) for Daycare/School Closure: [https://ap.uci.edu/2020dependentcareleaves/](https://ap.uci.edu/2020dependentcareleaves/)


- Additional resources for family care
  - UC Family care resources: [https://ucnet.universityofcalifornia.edu/news/2019/05/ucs-family-care-resources.html](https://ucnet.universityofcalifornia.edu/news/2019/05/ucs-family-care-resources.html)
  - Bright Horizons Benefits: [https://clients.brighthorizons.com/universityofcalifornia](https://clients.brighthorizons.com/universityofcalifornia)
COVID-19 Information & Resources

- Additional COVID-19 related info can be found at: https://ap.uci.edu/covid19/


- COVID-19 Wellness resources: https://ap.uci.edu/covid19/covid-19-wellness-resources/

- Remote instruction: https://provost.uci.edu/faculty-resources-for-educational-continuity/remote-delivery-course-resources-2/
People to Contact for Questions:

- Department Chair or Chief Personnel Officer
- Equity Advisors: [https://inclusion.uci.edu/advance/equity-advisors/](https://inclusion.uci.edu/advance/equity-advisors/)
- Office of Academic Personnel: Tanisha Willoughby ([tanisha.willoughby@uci.edu](mailto:tanisha.willoughby@uci.edu)) and also see [https://ap.uci.edu/directory/](https://ap.uci.edu/directory/)
- Disability Management (for matters related to Reasonable Accommodation/Interactive Process): Wendy Pawling ([wpawling@uci.edu](mailto:wpawling@uci.edu))