



Department Process Steps for Employees at Higher Risk

In accordance with the President's University update issued on May 6, 2020, and in accordance to guidance from University Human Resources since April 2020, any employee who is asked to return to campus and, due to an underlying health condition, is limited in their ability to return or requests to remain at home, will have the opportunity to apply to continue to work remotely or seek other reasonable accommodations. The Centers for Disease Control and Prevention (CDC) has identified categories of individuals that are at higher risk for severe illness. For further information on the CDC's categories of higher risk, please find it here:

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

Employees not able to return to campus as a result of an underlying health condition or risk factor should engage in a conversation with the Employee Relations Team in University Human Resources to discuss their options outlined below:

- Employees who can continue to work remotely are expected to do so based on the department's operational needs. As much flexibility will be offered to employees during this time. An employee will rely on their supervisor's communication that they can continue to work remotely without further consultation from UHR.
- Employees that may not be able to work remotely should explore, in consultation with their manager, options for Alternative Work Assignments (<https://brown.edu/go/awapolicy>). This may include flexible scheduling, alternate work locations, and other arrangements that differ from the department's usual standards and practices.
- Employees who have a disability may request a reasonable accommodation under the Americans with Disabilities Act (ADA) and Americans with Disabilities Act Amendment Act (ADAAA) by contacting Broadspire at 1-888-599-8576. Determinations regarding what constitutes a reasonable accommodation are made on an individual basis.
- If there is no reasonable accommodation that enables an employee to return work and the employee can't perform essential functions of the job remotely, they may qualify for FMLA or RIPFML if they meet "serious health condition" criteria.
- Once the aforementioned options have been explored and exhausted, employees may still be eligible to seek approval for a Personal Leave of Absence if they do not want to return to work due to their own health risks as defined by the CDC. A Personal Leave of Absence is subject to approval.
- Employees on an approved Personal Leave of Absence can use accrued sick or vacation time to remain paid.
- Medical notes must be provided in accordance with the University's leaves of absence policy if an employee does not want to return to campus due to an underlying medical condition that puts them in a higher risk category as defined by the CDC.

Employees not able to comply with the requirement to wear a face covering as a result of an underlying health condition or risk factor should take the following steps:

- Employees will inform UHR-Leave Administration that they are unable to comply with wearing a face covering as a result of a medical condition or health risk.
- Employees will be directed to seek a workplace accommodation by contacting the University's provider, Broadspire at 1-888-599-8576 to determine if their health condition or health risk is considered a disability in accordance with the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADAAA).
- Until a decision is reached regarding a workplace accommodation, UHR will inform the supervisor that the employee qualifies for an exemption to the face covering requirement.
- UHR will inform the supervisor to implement social distancing requirements for the employee at all times while the employee is at work including all breaks during the workday.
- The supervisor will consider all options to maintain social distancing that include an alternative work assignment such as a work schedule change, a work location change, or some other flexible work assignment.
- The supervisor will inform UHR of the actions taken to maintain social distancing requirements for the employee during the workday, including breaks.
- If the decision is approved to provide a workplace accommodation, UHR will inform the supervisor of the requirements necessary to implement a workplace accommodation to the employee in accordance with the UHR workplace accommodation process.
- If the decision is not approved, UHR will inform the supervisor to continue the alternative work assignments that the supervisor implemented previously in order to continue enforcing social distancing at all times for the employee.
- If any concerns are submitted to the supervisor, UHR, or other University officials that an employee is in violation of the University's Workplace Safety Policy for failure to wear a face covering, UHR will be asked only to confirm whether the employee qualifies for an exemption to the face covering requirement. UHR will confirm this information as applicable.
- If the employee qualifies for an exemption, the supervisor will only communicate, when necessary, to other employees that the employee qualifies for an exception to the face covering requirements. The supervisor will further communicate what social distancing requirements are in place for the employee as a result of the employee's exemption. No additional information can be shared.
- UHR-Leave Administration will maintain records of employees who qualify for an exemption to the face covering requirement whether or not the employee qualifies for a workplace accommodation in accordance with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA).

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UHR-Benefits

- UHR's record keeping of these situations will include whether or not a workplace accommodation has been approved or alternative work assignments that have been implemented for the employee to maintain social distancing requirements if a workplace accommodation has not been approved.

Note: This process has been created as a result of guidance due to COVID-19. As with all processes and procedures, this process may change as the University's Return-To-Campus (RTC) guidelines continue to develop in accordance with federal and state laws in addition to public health guidance.