Guidelines For Managers On Working With Employees Requesting An Accommodation/Exemption

PHASED RETURN TO CAMPUS 2020

Based on current CDC guidelines, individuals at high-risk for severe illness from COVID-19 are those with underlying medical conditions, particularly if not well controlled, including but not limited to: chronic lung disease, moderate to severe asthma, serious heart conditions, diabetes, chronic kidney disease requiring dialysis, liver disease, severe obesity (BMI of forty or higher), and those who are immunocompromised.

The following guidance is provided for managers and department heads regarding employees who may be requesting an accommodation.

Considerations for Employees with Underlying Medical Conditions

At the beginning of March, in an abundance of caution, Human Resources allowed employees to self-identify any medical concerns in connection with the quickly emerging public health emergency. Shortly after, the college went remote, with only essential employees working on campus. Since that time, employees with medical concerns, whether documented or not, were allowed to work from home or paid to stay home while not working. Now that the college is starting a phased re-opening of work on campus, it’s important to understand this information and how to handle requests for medical accommodation with assistance from human resources. For questions and additional guidance please contact Tammi Burnett, Assistant Director of HR: tls6@williams.edu or Megan Childers, Benefits Specialist: mab7@williams.edu

- First and foremost, if an employee is not requesting an exemption or medical accommodation upon being required to return to work on campus, none should be offered or provided. This is true regardless of human resources having received medical information from the employee’s doctor during the last few months when only essential employees were expected to work on campus. This is also true if the employee falls into a high-risk category. Unless an employee requests an exemption and follows the process laid out in this document, none should be provided.

- Understandably, employees may be concerned about returning to work on campus. They may not specifically say they are concerned due to a medical condition, so it’s important to engage them in conversation about what is causing their concern. If they identify it as anything medical- or health-related, it is important to direct them to human resources.

- In all cases, but especially if the concerns are not medical- or health-related, talk to the employee, acknowledge their concerns, and discuss possible ways to allow a safe return, allowing the employee to provide suggestions. This should be an interactive process that maximizes flexibility while maintaining business operations and continuity. Take time to educate employees on the considerable steps taken by the College to protect the campus as a whole:
  - Community Engagement agreement signed by all students, staff, and faculty
  - Cloth face coverings provided and required to be worn in all common/public areas
  - Social/physical distancing practices in place at all times
  - Signage throughout campus to provide direction
  - Flexible scheduling options to comply with reduced building occupancy at all times
• Meetings conducted via Google or Zoom; no gatherings of more than ten people while adhering to social distancing
• Enhanced disinfecting and cleaning protocols managed by both individuals and Facilities.
• Daily health attestation/symptom monitoring
• Testing for all community members (students, faculty, staff)

When considering accommodations, work from home should be the first consideration, provided that the employee’s position allows and it’s operationally possible. If the employee’s position does not allow them to work from home, or you require their work to be performed on campus, ask them if they can suggest any additional steps that might be possible to allow them to return (e.g., enhanced protective measures such as separations or barriers, increasing space between workers or work stations, open office windows, temporarily modifying work schedules to reduce contact with others, etc.).

If, in spite of our very best efforts, a suitable arrangement cannot be made between the manager and the employee AND the employee cannot work from home AND does not want to return to work on campus, you must contact human resources. Given that the public health emergency could go on for some time, it’s important to thoughtfully work out reasonable accommodation to the best of our ability, understanding that we cannot remove the threat completely and that it also exists outside of the workplace.

Human resources will work with the employee, their medical provider, and the department to determine if a reasonable accommodation can be provided and if not, whether leave options are available. Human Resources will request and receive any required medical information or guidance from the employee’s medical provider. All medical information should come directly to our office and should never be received or kept in individual departments. Leave options include, COVID paid leave, using the employee’s sick, vacation balances and/or unpaid leave. At the end of the approved leave options, the employee will be expected to return to work.

Considerations for Age, Pregnancy, and Health Conditions of Family Members

• Employees sixty-five years and older, and women who are pregnant, have also been identified by the CDC as having a higher risk of developing complications from coronavirus. Don’t assume that these employees do not wish to return to work on campus if required to do so. Although age alone or an ordinary uncomplicated pregnancy does not require the process of medical accommodation, the college wants to be very sensitive to these concerns and will work out suitable arrangements if possible, with the understanding that this situation may go on for some time and leave options have limitations.

If an employee in this category approaches you with concerns about working on campus when required to do so and does not wish to return, please contact human resources, which will determine leave options. These could include paid leave (using the employee’s sick and vacation balances) or limited unpaid leave.

• Where possible, the college encourages employees to work with their manager to enable working from home. For work that cannot be performed from home, the college has implemented protocols and policies to reduce the risk of transmission on campus. Employees with family members at high risk should be hypervigilant, practice rigorous hygiene, and take every precaution to protect at-risk family members at home. Vacation time may be requested by employees who do not wish to return to campus to work because of an at-risk family
member. When vacation time is exhausted, the employee must return to work. If the family member is ill with a serious medical condition, the employee should contact Megan Childers, Benefits Specialist: mab7@williams.edu to discuss taking family medical leave, outlined below.

- The accommodation process will apply to the employee’s personal health condition or the health condition of a dependent, and the care exemption process will apply to dependent children who require supervision but do not have care.

**State and Federal Family Medical Leave**

- State and Federal Family Medical Leave (FML) provisions apply for the serious illness of an eligible employee or family member and require medical certification. These state and federal provisions do not allow the employee time off from work solely due to COVID-19 exposure concerns. Intermittent FML is used for medical appointments, medical treatments, and flare-ups of the certified medical condition. In addition, when the FML is for a family member, it can be used to provide care and support in times of illness. In keeping with college policy, managers must notify human resources if an employee is requesting time off that may qualify for FML or is absent from work for personal illness for three or more days, or when the need is known in advance.

**Considerations for Employees with Childcare Coverage Concerns**

Individuals may have reduced coverage options, have lost childcare coverage, or be still uncertain about what school schedules will look like in the fall. We understand there may continue to be challenges with childcare, so we are encouraging managers to work with staff to provide flexible schedules to allow for employees to work. Employees are also being asked to be flexible and to cooperate with managers to seek alternative arrangements like split or other non-traditional scheduled.

If an employee cannot perform the full scope of their job, they should apply for an accommodation through Human Resources.