



TRANSMITTAL LETTER

The University of North Carolina
General Administration

Transmittal Number 61
November 10, 2008

THIS LETTER TRANSMITS CHANGES TO THE *UNC POLICY MANUAL*

Subject:

**Policy 300.2.15 UNC Pandemic and Communicable Disease Emergency Policy.
Per Chapter 300 - Personnel Policies, Section 300.2**

This Policy was approved by the Board of Governors at its meeting on October 17, 2008.
The Policy is attached to this Transmittal or it can be located on the website at:

<http://www.northcarolina.edu/content.php/legal/policymanual/contents.htm>

If you have questions pertaining to this Policy, please contact Kitty McCollum, Vice President for Human Resources at (919) 962-4651.

UNC Pandemic and Communicable Disease Emergency Policy

I. Purpose:

The purpose of this policy is to outline provisions covering the following human resource areas in case of (1) a communicable disease or (2) other serious public health threat that is declared by the public health officials to be a public health emergency:

- a) Designation of mandatory employees
- b) Compensation for mandatory employees
- c) Accounting for absences
- d) Emergency lay-off provisions

This policy applies to University of North Carolina non-faculty employees who are exempt from the State Personnel Act (EPA).

II. Definitions:

Epidemic: A disease occurring suddenly in a community, region or country in numbers clearly in excess of normal. This includes the occurrence of several cases of a disease associated with a common source.

Pandemic: The worldwide outbreak of a serious communicable disease in numbers clearly in excess of normal.

Incubation Period: The time, usually in days, between exposure to an illness and the onset of symptoms.

Isolation: [Authority: G.S. 130A-2(3a)] Restriction of movement and/or action of individuals infected with a communicable disease to reduce the chance of spreading disease.

Quarantine [Authority: (G.S. 130A-2(7a)] Restriction of movement and/or action of individuals who are known to have been exposed to or may reasonably be suspected to have been exposed to a communicable disease and who do not yet show signs or symptoms of infection.

Mandatory Employees: Employees who are required to work during a public health emergency because their positions have been designated by their agencies as mandatory to agency operations during the emergency.

Social Distancing: Actions taken to reduce the opportunities for close contact between people in order to limit the spread of a disease.

The University: The University of North Carolina or any of its constituent institutions or affiliated entities.

III. Responsibility:

In case of a public health emergency, the Governor has broad powers to issue an emergency order to protect the public health. In accordance with General Statute 166A-6, the Governor may close all schools, community colleges, universities, childcare and adult day care facilities and order that no public events shall be held where large numbers of people are gathered in one physical location. The Governor may also close all non-mandatory State services and order mandatory services to remain operational.

In case of a public health emergency, while awaiting a decision by the Governor or State or Local Public Health Director, the President of the University of North Carolina has the authority to make emergency closing decisions he/she deems appropriate for the University. (For employees subject to the State Personnel Act (SPA), see the policy on Communicable Disease Emergency in the State Personnel Manual.) He/she may delegate such authority to the chancellors of constituent institutions and the heads of university affiliated entities. If circumstances permit, the University President or Chancellor shall confer with local/State public health officials to determine the severity of the individual situation and to determine what actions shall be taken (including closure of the University). However, each University campus shall adhere to any communicable disease orders of the State or local public health agencies to prevent transmission of a communicable disease. All closings shall be reported to the State Personnel Director and the Governor within five days after the occurrence.

If the President of the University, or one of his designees, issues an emergency closing decision, the University shall notify public health officials as soon as reasonably possible. Management shall inform employees and employees shall inform management of any evidence of a communicable disease that could seriously endanger the health of others in the workplace. Management shall immediately notify the local health department. Each constituent institution shall define this protocol within their continuity of operations plan guidelines.

In accordance with North Carolina General Statute 130A-145, the State Health Director and local health director are empowered to exercise quarantine and isolation authority. Quarantine and isolation authority shall be exercised only when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.

Note: The most recent list of reportable diseases as compiled by the State Health Commission is found in the Administrative Code 10A NCAC 41A.0101. The list is constantly updated as new diseases emerge.

IV. Possible Actions During a Pandemic:

During a communicable disease outbreak, any of the following may occur:

- a) Closing of one or more universities or parts of a university by order of the Governor;

- b) Closing of one or more universities or parts of a university or affiliate as authorized by the University President or the Chancellor, while awaiting a decision by the Governor or State or Local Public Health Director;
- c) Closing of a university or parts of a university by agreement between Public Health officials and a University authority or by order of Public Health officials;
- d) Concurrence by Public Health officials and/or the university authority that an employee(s) should be excluded from the workplace;
- e) Isolation of an ill or symptomatic employee(s) by Public Health officials; or
- f) Quarantine of an exposed or potentially ill employee(s) by Public Health officials.

V. Social Distancing:

In order to minimize transmission from person to person, the Pandemic and Communicable Emergency Plan for each constituent institution or affiliate should have in place social distancing provisions to implement immediately upon orders from the Governor and/or Public Health officials.

A constituent institution or affiliate may choose to practice social distancing by use of alternate worksites or teleworking. The University President or Chancellor is authorized to establish immediate telework arrangements, bypassing the normal requirements, as outlined in the University internal teleworking policy and procedures, during the declared emergency. Employees required to work under social distancing provisions shall receive regular pay.

Social distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. It can be accomplished by administrative and engineering controls. Examples include:

- a) reducing face-to-face exposure by using conference calls and video conferencing;
- b) avoiding unnecessary travel;
- c) canceling meetings, workshops, training sessions and scheduled events;
- d) requiring employees to work from home to reduce exposure in the workplace;
- e) establishing flexible working hours to avoid mass transportation, at least during peak hours;
- f) installing protective barriers between work stations or increasing space between workers;
- g) reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the agency);
- h) scheduling employees in shifts;
- i) controlling access to buildings; and
- j) requiring asymptomatic individuals traveling to affected countries/areas not to return to work until one incubation period has passed after returning home.

VI. Mandatory Employees:

The University President and Chancellor shall predetermine and designate mandatory operations in case of a pandemic emergency or communicable disease, and designate the employees to staff these operations.

The University shall maintain a list of mandatory employees by position, including current employee name and contact information. The University President and Chancellor shall develop an alternative plan for personnel in case the designated personnel are quarantined or ill. Alternative workers may include current employees who are not designated as mandatory but who possess the skills to fill in for mandatory employees, retirees, contract workers, or other temporary employees. This will be especially important in a pandemic that may last for several weeks or months.

Employees designated as mandatory personnel shall be notified of such designation and the requirement to report for, or remain at, work in emergency situations, and receive appropriate information and training as may be needed. If mandatory personnel are required to remain at the worksite for an extended period of time, the University will provide adequate housing and food.

VII. Compensation of Mandatory Employees:

When management determines that only mandatory employees are required to report to work, subject to the availability of funds, all permanent EPA non-faculty employees shall be granted time and one-half pay for all hours worked with the exception of the following:

- 1) Faculty
- 2) Senior officers of the University of North Carolina who are subject to the provisions of Section II of the policy on Senior Academic and Administrative Officers (The UNC Policy Manual: 300.1.1)
- 3) Associate and assistant vice chancellors
- 4) Associate and assistant provosts
- 5) Associate and assistant deans

However, at the discretion of the President or Chancellor, employees in positions listed above may be eligible for pay at time and one-half, or may be granted compensatory time in lieu of time and one-half pay, following the emergency event.

Only eligible EPA non-faculty employees who are required to work on-site at their regular work location or at an assigned work location, other than the employee's home, shall be eligible for time and one-half pay. This compensation provision applies to employees who are exempt and non-exempt under the Fair Labor Standards Act (FLSA). It does not include temporary employees under any circumstances unless they are deemed mandatory for purposes of this policy. In that event, the leave and compensation policies shall not apply.

When necessary and available, payment of salaries normally funded from non-State funds may be made from State funds. Administrators shall aggressively pursue reimbursement from other funding sources where possible.

VIII. Leave:

Employees will not be penalized for using leave, in order to encourage those with symptoms associated with a communicable disease to stay home so that they do not infect other employees, and to allow employees with ill family members to stay home to care for them.

- a) Quarantined by a Public Health official: When an employee is quarantined, the employee shall be granted paid administrative leave until the specified period of time ends or the employee becomes ill with the communicable disease, whichever comes first.
- b) Employee is required by the University to stay home: If the university administration believes that an employee has symptoms associated with a communicable disease, the constituent institution or affiliate may require the employee not to report to work and to use compensatory leave, sick leave, vacation leave, or bonus leave.
- c) If the University is closed: Although all efforts should be made to allow non-mandatory employees to work from an alternative location, it may not always be possible. When a University is closed or when the university administration determines that only mandatory employees are required to report to work, the non-mandatory employees who are not required to work shall, at the discretion of the University President or Chancellor, be granted paid administrative leave (i.e., not charging leave) for up to 30 calendar days. The employee's pay shall continue at the same rate the employee would have received had the employee been working (including any premium pay normally received). If adjustments need to be made, they shall be made in the next paycheck after returning to work.
- d) If an employee becomes ill: If the employee becomes ill and it is determined to be work related (exposure is greater than that of the general public) in accordance with the Workers' Compensation Act, the Workers' Compensation Policy applies. If the employee is isolated or becomes ill as a result of off-the-job exposure, the Sick Leave Policy applies. The provisions of the Family and Medical Leave Policy and the Family Illness Leave Policy shall also apply.
- e) Advisory Note: Should an employee not have sufficient sick leave available, the University may work with the employee to advance a reasonable amount of leave or make arrangements for the employee to make up the time if the University determines that the work situation will allow it.

IX. Verification:

Employees who have symptoms of a communicable disease and are required to stay home or who are ill with the communicable disease should be cautioned not to return to work until they are sure they are fully recovered.

The University may require certification of fitness to work from a health care provider.

If quarantined, it is the employee's responsibility to provide the University with a written verification of his or her status from a Public Health official.

X. Day care or public and private school closings/Elder Care:

When the University is open but an employee who is a parent (or guardian) is required to stay home with a child (as defined in the FMLA) because of the closure of a day care facility or a public or private school, the non-mandatory employee may, with approval of the supervisor, be allowed to work at home or elect to:

- a) use vacation leave,
- b) use bonus leave,
- c) use sick leave,
- d) use compensatory leave,
- e) take leave without pay, or
- f) make up time in accordance with the parameters for making up time during adverse weather. The University may extend the make-up time to 24 months if necessary.

These provisions also apply for eldercare.

The University has the right to request appropriate documentation to substantiate need.

XI. Review of Policy Provisions:

In the event this policy is triggered, the President or Chancellor must review the compensation and leave provisions every thirty (30) days and, as appropriate, take any of the following steps:

- a) Renew the compensation and leave provisions for another 30 days.
- b) Revise the compensation and leave provisions for up to another 30 days.
- c) Terminate the compensation and leave provisions if the public health emergency has ended.

Any changes in the compensation and leave provisions must be communicated to employees in a timely manner. Pending a renewal or revision, the employee may be allowed to take leave (compensatory, sick, vacation, bonus) until a decision is made.

XII. Emergency Furlough:

An emergency furlough (temporary lay-off from which employees are expected to be recalled) may be declared if the constituent institution or affiliate remains totally closed or partially closed for an indefinite period of time.

During an emergency furlough, employees who are furloughed are entitled to participate in the State Health Plan. The University shall continue paying the employer contribution on behalf of the employee. The University also may pay the employee contribution for the pay period following the furlough, with the provision that the employee shall repay the State for any contribution made on his or her behalf.

An employee will continue to accrue vacation and sick leave while on emergency furlough.

An employee will continue to receive total State service while on emergency furlough.

An employee may be eligible for unemployment benefits through the North Carolina Employment Security Commission while on emergency furlough. Employees should contact the North Carolina Employment Security Commission for further details. If, at the end of the emergency furlough period it is determined that the University no longer requires the services of these employees, normal University lay-off provisions would apply.

XIII. OTHER PROVISIONS:

Hiring: During the communicable disease emergency, if new hires are needed to cover emergency operations, the University President or Chancellor is authorized to execute the immediate hiring of an individual who is determined to be qualified and able to do the work by:

- i) waiving the posting policy,
- ii) waiving the minimum qualifications policy, and
- iii) waiving the hiring of relatives (nepotism) policy.

Employees hired under these conditions should be given a temporary or time-limited permanent appointment.

The University President or Chancellor is also authorized to offer competitive salaries for the duration of the emergency.