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## **NCCU Guidelines on Employee Designation, Compensation, and Leave Accounting for Pandemic Situations**

### **September 3, 2009**

#### **A. INTRODUCTION**

These guidelines define employee-related procedures in the event North Carolina Central University is compromised by a pandemic situation (i.e. influenza), communicable disease outbreak or other public health emergency.

This document applies to employees Subject to the State Personnel Act (SPA) and non-faculty employees Exempt from the State Personnel Act (EPA). It outlines 1) the designation of mandatory employees; 2) compensation for mandatory employees; 3) leave accounting; and 4) emergency furloughs during public health emergencies.

Supervisors and managers are provided key information regarding designating and reporting mandatory employees, as well as information regarding additional compensation benefits that may be available for various types of employees.

#### **B. CONCEPT OF MANDATORY EMPLOYEE**

A mandatory employee is an employee who performs a function that is essential to the continuation of core University operations during a public health emergency when classes and other University activities may be suspended. These include:

1. Employees whose duties involve the welfare or safety of students, faculty or staff;
2. Employees whose duties include the maintenance or operation of University telecommunication systems or networks critical to the ability to meet student and employee needs during a public health emergency;
3. Employees whose duties include the maintenance or operation of University facility infrastructure systems critical to the ability to meet student and employee needs during a public health emergency;
4. Employees whose duties are essential to avoid significant jeopardy to sponsored research activities; and
5. Employees whose duties are essential to avoid significant loss of assets or revenue that might occur due to the lack of continuity in, or maintenance of, property, systems, services, or programs.

## **C. DESIGNATING MANDATORY EMPLOYEES**

All NCCU departments are responsible for identifying and designating mandatory operations, mandatory employees (primary and alternates) needed to staff these operations, and maintaining emergency contact information on their employees. (An alternate is crucial in the event the primary becomes ill or is quarantined by health officials for social distancing purposes. Having an alternate also ensures the availability of a backup for extended coverage periods.) Mandatory employees are designated by management and may be required to work during public health emergencies (pandemics) or communicable disease outbreaks. Departments must maintain lists of SPA and EPA non-faculty mandatory employees and their contact information. SPA temporary employees are not eligible to be designated as mandatory.

Managers are responsible for designating and informing the mandatory employees of their assignments. The manager is required to review the role and requirements of a mandatory employee with the designee which includes 1) reporting to work for, or remaining at work during emergency situations; or 2) working from home or other assigned location if needed.

An acknowledgement letter documenting the designation of the assignment is completed by the manager and signed by both the manager and mandatory employee designee. The department manager retains the original document on file in the department, provides the mandatory employee a copy, and forwards a copy to Patricia Jenkins in the Department of Human Resources.

## **D. COMPENSATION FOR MANDATORY EMPLOYEES**

If the University closes or determines that only mandatory employees are required to report to work, mandatory SPA employees shall be granted time and one-half pay for all hours worked or all hours that the employee is required to remain on-site, subject to the availability of funds. If funds are not available, the employee shall be granted the additional half-time pay at a later date or one-half compensatory time. This provision applies to SPA employees who are exempt and non-exempt under the Fair Labor Standards Act (FLSA).

Based on UNC policy, EPA Instructional and Research employees are eligible for this compensation if funding is available. Faculty, Senior Academic or Administrative Officers, Associate and Assistant Vice Chancellors, Associate and Assistant Provosts, and Associate and Assistant Deans are eligible with the approval of the Chancellor. There is also an option to grant compensatory time off, in lieu of time and one-half pay, after the emergency event is cleared.

Only SPA and EPA mandatory employees required to work on-site at the University or at an assigned work location, other than the employee's home, will be eligible for time and one-half compensation. If necessary, and based on availability, payment of salaries funded from

non-State funds may be made from State funds. Reimbursement from other funding sources should be actively pursued by administrators.

### **E. REPORTING REQUIREMENTS FOR MANDATORY EMPLOYEES**

SPA and EPA mandatory employees may be required to work at the University or other location, including home, during public health emergencies (pandemics) or communicable disease outbreaks. They will 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.

SPA employees designated as mandatory may be subject to disciplinary action, up to and including termination of employment, for willful failure to report for or remain at work. Each situation will be reviewed on a case-by-case basis to determine appropriate action.

SPA and EPA mandatory employees may be excused from work if they are quarantined or ill, if they are required to care for a member of the immediate family who is quarantined or ill, or if they are a parent (or guardian) who is required to stay home with underage children because of the closure of a day care facility, public school or eldercare facility. Appropriate documentation may be required.

### **F. LEAVE ACCOUNTING**

Management should allow the liberal use of vacation and sick leave to encourage employees with communicable disease symptoms to stay home in order to prevent contaminating other employees. Leave also provides options that allow employees to remain home with ill family members requiring care. The following may also apply:

1. Quarantined By Public Health Official:

SPA employees (permanent or temporary) or EPA (permanent and temporary) employees will be granted paid administrative leave until the designated period ends or the employee becomes ill with the communicable disease, whichever comes first.

2. Employee Required To Stay Home By The University:

If the University administration suspects an employee has symptoms associated with a communicable disease, the University may require the employee not to report to work and the employee will be required to use compensatory, vacation, bonus or sick leave to cover the absence.

3. University is Closed (Level IV – Per the NCCU Pandemic Influenza Plan):

All efforts to allow non-mandatory employees to work from an alternative location will be considered, although it may not always be possible. When the University is closed or the University administration makes a decision that only mandatory employees are required to report to work, non-mandatory SPA permanent employees not required to

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work will be granted paid administrative leave for up to 30 calendar days. Non-mandatory EPA permanent employees may be granted paid administrative leave for up to 30 calendar days per the Chancellor.

The employee's pay continues at the same pay rate had the employee been working (including premium pay received). If adjustments are required, they will be reconciled in the paycheck the employee receives after returning to work. If a non-mandatory employee elects to work when the university is closed, the employee will not receive additional compensation. Employees on scheduled vacation leave or sick leave will charge leave to the appropriate account until the scheduled period concludes. Employees on leave without pay will remain on leave without pay until the scheduled leave without pay period ends.

#### 4. If an employee becomes ill:

If the employee's illness is determined to be work related 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 will also apply.

**Advisory Note:** In the event an employee does not have sufficient sick leave available, the University may work with the employee to advance a reasonable amount of leave or will make arrangements for the employee to make up the time within 24 months.

Employees with symptoms of a communicable disease or who are ill with a communicable disease should be cautioned not to return to work prematurely. This is to ensure they are fully recovered prior to returning to the workplace.

Certification from a health care provider may be required by the University for an employee returning to work, although it must be recognized that health care providers may be overwhelmed. If the employee was quarantined, the employee is responsible for providing the University with written verification from a Public Health official of his or her status upon their return to the workplace.

#### 5. Day Care / School / Eldercare Closure

When the University is open but an employee who is a parent/guardian is required to stay home with a child (per FMLA) due to day care, public or private school, or eldercare closure, the employee may with approval of the supervisor, be allowed to work at home or may choose to:

- Use compensatory leave
- Use vacation or sick leave
- Use bonus leave
- Take leave without pay

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- 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.

The University has the authority to request documentation to validate the need for the above circumstance.

### G. EMERGENCY FURLOUGH

The Chancellor, in consultation with UNC General Administration, may declare an emergency furlough (NCCU Level IV) if the University remains totally closed or partially closed for an extended period of time. An emergency furlough is a temporary layoff from which employees are expected to be recalled. It is a temporary separation from payroll because funds are not available, work is not available, or because of another emergency situation requiring employees to remain away from the worksite.

Benefit-earning employees on emergency furlough:

- Remain active participants in the State Health Plan. The University will continue paying the State Health Plan's employer contribution on behalf of the employee. The University will pay both the employee and employer contribution for the month following the initiation of the furlough, with the provision that the employee shall repay the State for any contribution made on his or her behalf unless otherwise directed by the State.
- Accrue vacation and sick leave, as applicable. Employees will not be allowed to use the leave during the furlough period. An employee shall not be paid for leave at the time of the emergency lay-off; however, vacation and sick leave will continue to accrue during the lay-off to be credited to the employee's account upon return from the lay-off. If a reduction-in force should occur before the employee returns, the vacation leave accumulated while on lay-off shall be paid along with other unused vacation/bonus leave that was on hand at the time of the layoff.
- Continue to accrue Total State Service.

During an emergency furlough, employees may be eligible for unemployment benefits through the North Carolina Employment Security Commission. Employees should contact the North Carolina Employment Security Commission for additional details. If, at the conclusion of the emergency furlough period, it is determined the University no longer has a need for the furloughed employees, the Reduction in Force Policy will apply.

### H. DAILY PERSONNEL REPORTING

During pandemic level 3 or 4, the University may require departments to provide a daily report to their Vice Chancellors on the number of employees who are at work, or sick, and

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comments on any critical impacts being felt from employee shortages. Vice Chancellors will collect this information and forward to Human Resources for compilation for the Chancellor's Administrative Leadership Council and Emergency Management Team. The information will be intended to help identify emerging trends and areas where problems with absences are most acute, and where it may be necessary to reassign employees.

### **I. REFERENCES**

Additional information may be found in these documents:

- NC State Personnel Manual: Workplace Environment and Health policy, section 8
- UNC Pandemic and Communicable Disease Emergency Policy 300.2.15
- NCCU Pandemic Influenza Plan
- NCCU Emergency Management Policy

### **J. ADDITIONAL INFORMATION**

For additional information or questions regarding these guidelines, contact the Department of Human Resources at (919) 530-6334.



North Carolina Central University  
**Designation of Mandatory Employee  
and Acknowledgement Form**

<DATE>

To: <Employee Name>

From: <Supervisor>

Subject: Designation of Mandatory Employee

Your position at North Carolina Central University has been designated as “mandatory” under the NCCU Pandemic Influenza Plan, and in accordance with the UNC Pandemic and Communicable Disease Emergency Policy for EPA (non-faculty) or the Office of State Personnel’s Communicable Disease Emergency Policy for SPA employees. Mandatory employees are designated as dedicated resources for public health emergencies such as pandemics, communicable disease outbreaks or other public health declarations. In the event of a public health emergency, you may be required to report to work on-site at the University campus, to remain on-site at the University, to work from an alternate location, or to work from home. You may be required to complete tasks that are not normally assigned to you. Training and information will be provided to you, as well as lodging and meals if departure from the University is not possible or permitted. Because of the critical nature of their work, mandatory employees may need to report to work or remain on the job when needed, even if the university closes.

The University’s policies and guidelines on pandemic and communicable disease emergencies have provisions regarding compensation, leave, social distancing, reporting requirements, and other important information. You may access these documents at the Human Resources office in the Hubbard-Totton building or through the Human Resources web site:

- NC State Personnel Manual: Workplace Environment and Health Policy, Section 8
- UNC Pandemic and Communicable Disease Emergency Policy 300.2.15
- NCCU Pandemic Influenza Plan
- NCCU Emergency Management Policy
- NCCU Guidelines on Employee Designation, Compensation, and Leave Accounting for Pandemic Situations

If there is any reason that you would not be able to report to work as required (for example, you care for a chronically ill child or spouse, or you become ill), please contact your supervisor immediately. If you have questions or require additional information, feel free to speak with me or you may contact Human Resources at 530-6334.

Thank you.

<Supervisor’s name>

<Supervisor’s department>

I understand that my position has been designated as “mandatory” under the NCCU Pandemic Influenza Plan.

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*Employee Name*

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*Employee Signature*

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*Department*

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*Personal Cell Phone (confidential)*

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*Home Address (confidential)*

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*Personal Email Address (confidential)*

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*Home Telephone (confidential)*

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*Alternate Cell Phone (confidential)*

cc:    *Manager File (Original)*                      *Mandatory Employee (Copy)*                      *Patricia Jenkins, Department of Human Resources (Copy)*