

COVID TOOL KIT: SUPERVISOR GUIDANCE RESPONDING TO EMPLOYEE CONCERNS WITH RETURNING TO WORK

Supervisory Guidance for Responding to Employee Concerns about Safely Returning to Work

As more and more employees return to campus to work, we anticipate supervisors may encounter employees who express concerns about their ability to safely return. Below are some considerations that may be helpful as you navigate these situations and conversations:

Determine if there is a medical reason behind the request:

1. If an employee expresses a personal or family medical reason why they are concerned about working on campus, consider whether or not they may be able to perform their job duties with an alternate work arrangement such as remotely or on a flexible schedule. [Link to Teleworking and Flexible Work Guidelines.](#)
2. If an alternate work arrangement is not feasible to address their medical concerns, then guide the employee to contact the Coordinator of ADA and Leave Administration Programs in University Human Resource Services at 765-285-1036 to determine if workplace accommodations or a leave of absence could meet the needs of both parties.
3. If the employee does not indicate a medical condition as the basis of their concern, an alternate work arrangement may still be considered. Remind the employee about the steps BSU is taking to create as safe a workplace as possible.

Note: Avoid asking questions that elicit or encourage employees to share their personal medical conditions with you. Phrase questions along the lines of: “You expressed some concerns about returning to work, I don’t need medical details, but I do need to know if your concern is tied to a medical condition. If so, please work with the Coordinator of ADA and Leave Administration in UHRS.

Remind the employee of safety protocols in place:

4. The University monitors CDC and WHO guidance, along with consulting state and local health officials, to ensure we are taking necessary precautions to minimize risk of exposure.
5. Educate the employee about the current guidance which indicates that if individuals are following social distancing and mask wearing guidelines, their risk of exposure is minimized
6. According to current guidance on determining who was in “close contact” with a COVID-19 positive individual, the consideration is: “Were you closer than 6 feet, without wearing a face mask, for more than 15 minutes?”
7. Because of the University’s proactive actions, we have plans in place to reinforce social distancing, we offer additional acrylic barriers for fixed work stations, and we require face masks

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at all times while inside and not alone in a private space and outside when social distancing cannot be maintained.

8. Ask: "Are there other safety measures that you believe we could implement that would be helpful for your ability to return to work?"

Consider if any alternative work schedules or leaves could meet the needs of both:

9. If an employee's duties could be performed at alternative times or days when fewer people might be on campus (evenings/weekends), a flexible work schedule could be proposed. This option may not be viable for receptionist or other similar forward-facing customer service positions that need to cover certain business office hours of operation.
10. If it is mutually convenient for the University and the employee to remain off work, an unpaid Mutual leave of absence may be an option, but a substitute may not be hired to replace the employee during the leave. Alternatively, an unpaid Personal leave of absence may be considered if a Mutual leave is not viable, and the department can spare the employee. The maximum period of either leave is 6 months. In accordance with the needs of the department, an employee may also be able to utilize his/her own vacation/PTO before applying for an unpaid leave of absence.

Reinforce our need for the employee to return to work:

11. Remind employees why their position is important to the success of the University and why we value them performing the work in the way we need to best serve our students and customers.
12. Ask: "Are there any other barriers we can address that will help you to return to work?"
13. Remind the employee of resources the University provides to help all of us work through personal issues/concerns—the University's Employee Assistance Program (EAP) offers several free sessions where an employee can consult with a mental health care professional.

Next steps if none of the above options resolve the concerns:

14. Ask the employee what their intent is if they still indicate they are not returning to work. Are they resigning?
15. If they indicate they do not wish to resign, then advise them that their absences from work, while not on an approved leave, will be considered unexcused and may result in disciplinary action up to and including termination.

Examples of how these conversations might go:

Example 1:

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Supervisor: Students have returned, and we are scheduling you to report to campus Monday for work.

Employee: I do not want to. I am scared of getting sick.

Supervisor: I understand why you would have a concern, these have been unusual times with heightened health concerns, but let me reassure you that University is taking the necessary precautions recommended by the experts to minimize risk of exposure on campus.

Employee: I know. I'm still just scared. I don't leave my house.

Supervisor: Have you discussed it with your/their health care provider to determine if a medical leave is appropriate? Would you like the contact information for the Employee Assistance Program (EAP) to discuss your concerns with someone confidentially? You are an important part of us successfully completing our mission, and we need you back on campus to help; what can I do to help you feel more comfortable with returning to work on Monday?

Example 2:

Supervisor: Students have returned, and we are scheduling you to report to campus Monday for work.

Employee: I don't want to. I am worried about getting sick myself or bringing the virus home to "x" who is older and not in that good of health.

Supervisor: Have you discussed it with your/their health care provider to determine if a medical leave is appropriate due to you or your family's specific medical condition precautions?

Employee: Yes, and they agree with me.

OR

No, I haven't.

Supervisor: Then, you should contact HR to discuss your potential need for medical leave.

OR

Then, you should touch base with your/their health care provider to see if there are any restrictions on your ability to return to work.

Example 3:

Supervisor: Students have returned, and we are scheduling you to report to campus Monday for work.

Employee: I cannot return to work my child is doing e-learning.

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Supervisor: If you have not exhausted your federal leave time, you may be eligible for Emergency Family Medical Leave or the Federal Paid Sick Leave and should contact HR (application forms are on the University's Coronavirus webpage).

Example 4:

Supervisor: Students have returned, and we are scheduling you to report to campus Monday for work.

Employee: I do not want to return to work; can I take more leave?

Supervisor: You have exhausted your federal leaves (Emergency Paid Sick Leave and/or Emergency Family Medical Leave). We need you back at work on campus; the role you play is vital to our success.

Employee: Don't I have some vacation or sick time I can use?

Supervisor: Sick leave is only appropriate if you or your family are sick, and we need employees back at work so we are not approving vacation requests until at least mid-September, or other non-peak time period.

Employee: What happens to my job if I don't come back and am not on an approved leave?

Supervisor: That's a good question. What do you want to do about your job since you do not want to return to work at this time? Are you resigning?

Employee: No, I'm not resigning, I need my insurance.

Supervisor: Good, because we need you. What can we do to get you back to work safely?

Employee: I don't know.

Supervisor: Since you have exhausted all available leave, if you are not returning to work and you are not resigning, you may be disciplined for unexcused absences and could be jeopardizing your position.

Employee: What's that mean? I could be fired if I do not return to work?

Supervisor: That's not what we want, but yes, that might be the outcome if we are not able to find a resolution and get you back to work.