

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 the university returns to normal operations, 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.

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.

Reinforce our need for the employee to return to work:

3. 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, employees and customers. We are a residential campus and the expectation is a full return to an on-campus experience, so the vast majority of employees should plan to return to on-campus work.
4. Ask: “Are there any other barriers we can address that will help you to return to work?”
5. 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.

Remind the employee of safety protocols in place:

6. The University monitors CDC guidance, along with consulting state and local health officials, to ensure we are taking necessary precautions to minimize risk of exposure.
7. Educate the employee about the current guidance which indicates that if individuals are not fully immunized, they must continue following social distancing and mask wearing guidelines, their risk of exposure is minimized.

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8. According to current guidance on determining who was in “close contact” with a COVID-19 positive individual, the consideration is: “Were you closer than six feet of an infected person for a cumulative total of 15 minutes in a 24-hour period?” If fully immunized, then close contact is not a consideration; however, for an employee not fully immunized there will be a required quarantine using paid time off or excused lost time.
9. For anyone who is not fully immunized masks will be required of any unvaccinated employee at all times while inside and not alone in private space and outside when social distancing cannot be maintained.
10. 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:

11. 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.
12. 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.

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

13. Ask the employee what their intent is if they still indicate they are not returning to work. Are they resigning?
14. 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:

Supervisor: All employees are required to be back to campus by August 1, 2021.

Employee: I do not want to. I am scared of getting sick /I have developed new work habits while being home.

Supervisor: I understand why you would have a concern, these have been unusual times and we appreciate your willingness to adapt to working remotely when that was needed. However, due to the increased vaccination rate, the determination of the CDC and state and local health departments, it is now considered safe to return to campus. We celebrate our return to normal, and you are an integral part of our campus community.

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Employee: I know. I'm still just scared. I don't leave my house. I've been successfully performing my job remotely for more than a year. Why must I return now?

Supervisor: Remote work was necessary for the safety of our community; however, it is no longer needed. 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 do not want to return to work; can I take more leave?

Supervisor: You have exhausted your available leave. We need you back to 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.

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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.