

Approved By	Approval Date	Effective Date	Related ISU Policies
President Deborah J. Curtis		June 15, 2020 Updated July 6, 2020; Updated September 22, 2020	Policy 921 Americans with Disabilities

**Name of Procedure:**

Temporary Requests for Flexible Medical Leave, Workplace Modification, and Remote Work Related to COVID-19 (updated to include requests through May 31, 2021).

**Rationale**

This procedure allows workplace modifications, the opportunity to work remotely, or the ability to utilize vacation, sick, or unpaid leave. It is adopted on a temporary basis to address the needs of employees at higher risk for severe illness related to COVID-19 or who have household member at higher risk for severe illness related to COVID-19.

**Procedure**

Consistent with Indiana’s Stay-at-Home Order, ISU faculty and staff experienced an unprecedented transition to remote work with the closure of much of ISU’s physical campus. The focus through the end of the spring 2020 semester was on the continuation of instruction and basic operations. Because of the crisis, remote work was approved temporarily for positions that generally are not eligible. ISU leadership has now focused on a phased return to on-campus operations, with the recognition that staff will return to campus no later than July 6, 2020 and faculty will return to campus in August. As additional guidance becomes available, ISU will continue to take preventative actions as recommended by the Centers for Disease Control and the Indiana State Department of Health, such as enhanced cleaning of high traffic areas, social distancing, daily personal health assessments, and the expectation that employees utilize face coverings especially where social distancing is difficult.

As we navigate the return to on-campus operations and the challenges of the fall 2020 and spring 2021 semesters, we all must work together to support those in our community most vulnerable while we ensure delivery of a quality ISU instructional experience to students.

Some members of our community will be at higher risk for severe illness if diagnosed with COVID-19 or may have a person who lives in the household who is at risk for severe illness with COVID-19, and as a result may need workplace modifications. In

some cases, it may not be medically advisable for these individuals to return to on-campus operations. To address the needs of these employees, ISU has adopted the following procedures to evaluate requests for temporary accommodation due to COVID-19, which may include workplace modifications, the opportunity to work remotely, or the ability to utilize vacation, sick, or unpaid leave. The Flexible Medical Leave is limited to 6 months consistent with university policy. Individuals who become eligible for remote work will be required to acknowledge remote work obligations.

This procedure is in place until May 31, 2021 and may be extended by approval of the University President.

- Employees who need accommodation because the employee is at higher risk for severe illness related to COVID-19 should complete the [ISU COVID-19 Temporary Accommodation Request](#) and attach current documentation from the employee's medical provider (doctor, physician assistant or nurse practitioner) that indicates that the employee is at higher risk for severe illness from COVID-19. The documentation from the medical provider:
  - Should be on the provider's letterhead. The provider does not need to physically sign the document if a physical signature is not feasible.
  - Does not need to go into extensive detail about the nature of the underlying health condition.
  - Should include a recommendation about the requested accommodation.
  
- Employees who are 65 years or older have been identified by the Centers for Disease Control as individuals at higher risk for severe illness of COVID-19. ISU employees aged 65 years or older may request workplace accommodation, remote work, or approved leave by completing the [ISU COVID-19 Temporary Accommodation Request](#). No medical documentation is required to make the request.
  
- Employees who have a household member who is at higher risk related to COVID-19 should complete the [ISU COVID-19 Temporary Accommodation Request](#). The employee should attach current documentation from the household member's medical provider (doctor, physician assistant, or nurse practitioner) that indicates that the household member is at higher risk for severe illness from COVID-19. The documentation from the medical provider:
  - Should be on the provider's letterhead. The provider does not need to physically sign the document if a physical signature is not feasible.
  - Does not need to go into extensive detail about the nature of the underlying health condition.
  - Should include a recommendation about the requested accommodation.
  - Note that the household member must permanently reside with the employee in order for the employee to qualify for workplace accommodation, flexible leave, or remote work.

- Employees approved for a workplace accommodation during Fall 2020 who wish to continue the accommodation must re-certify the request and underlying condition by completing a brief request form located on the Office of Human Resources website. No additional medical documentation is needed. If an employee has previously met the qualifications, the employee will be presumed to be eligible upon the employee's certification of the underlying health condition. The Office of Human Resources or the Dean may modify the specific workplace modification or remote work based on the criteria set forth below.

### **Staff Review Process**

- The Office of Human Resources will review ISU staff requests to determine if the employee meets the qualifications under this procedure. If so, Human Resources will discuss possible accommodation options with the department supervisor and the appropriate Cabinet Member. Human Resources personnel will consider whether or not the request is reasonable and practicable given the departmental circumstances. Staff should expect to engage with HR staff about possible options, and will be notified of the determination within five (5) days of the date of the completion of the request.
- In general, staff requests will be reviewed on September 1, 2020, November 1, 2020, January 1, 2021, and March 1, 2021 to determine if CDC or Indiana State Department of Health guidance has changed to allow the employee to return to on-campus work or if other workplace modifications are still necessary.
- The Office of Human Resources will maintain the record of the request and determination, including all medical documentation.

### **Faculty Review Process**

- Faculty should submit requests to teach remotely during the fall semester by July 1, 2020. Faculty should submit requests to teach remotely during the spring semester by October 2, 2020.
- The Office of Human Resources will determine if a faculty member meets the qualifications under this procedure, and then will share the information, excluding medical documentation, with the appropriate Dean. The Dean, in consultation with the department chair, will take into consideration whether or not the request is reasonable and practicable given the needs of the academic department, student enrollment, the nature of the instruction, and the institutional imperatives of student success and student retention. The faculty member should expect to

engage with the Dean about options for the spring 2021 semester and will be notified in writing by October 16, 2020, of the determination.

- Faculty who request an assignment to teach remotely for the fall 2020 or spring 2021 semesters
  - may be required to teach courses and sections not originally assigned for the fall 2020 semester or spring 2021 semester,
  - will be assigned a full course load, per department and college standards,
  - may, at the discretion of the Dean in consultation with the department chair, be required to work with instructional designers and the CTE to produce and teach distance courses, and
  - will be expected to adequately perform all of their other university duties remotely, including service assignments, advising, and scholarship.
  
- The Office of Human Resources will maintain the record of the request and determination, including all medical documentation.

#### **Other Information**

- ISU staff who are not considered at higher risk for severe illness related to COVID-19 and who do not have a household member at higher risk for severe illness related to COVID-19 are expected to return to work on the return date designated by the employee's supervisor, but no later than July 6, 2020.
  
- ISU faculty who are not considered at higher risk for severe illness by COVID-19 or who have a household member at higher risk for severe illness related to COVID-19 are expected to return to on-campus instructional duties in August.
  
- COVID-19 is a serious international challenge, and we understand that employees who do not qualify for workplace accommodation, flexible leave, or remote work may still retain fear about return to on-campus operations. ISU takes these concerns seriously and we have adopted prevention measures consistent with those recommended by the CDC and the Indiana State Department of Health. It is vital that employees who are not more vulnerable to more severe illness return to campus work as designated, as this protects our more vulnerable community members. Those employees who still do not want to return to campus should contact the Office of Human Resources for more information about their options.
  
- Individuals with a qualified disability who need a non-COVID-19 more permanent workplace accommodation under Policy 921 Americans with Disabilities should

submit their Disability Accommodation request under the regular process. Please contact the Office of Human Resources for more details.

- Documentation from medical providers will be maintained in the Office of Human Resources and will not be shared with supervisors or Deans. Appropriate data security protections will be maintained, as with all personal health information. Medical documentation will not be located in the employee personnel file. Employees should avoid the use of email with attached medical documentation.
- Employees who believe that they have experienced discrimination on the basis of an actual or perceived disability may submit a complaint of discrimination to the [Equal Opportunity and Title IX Office](#).
- Employees who wish to request expanded FMLA leave for the care of dependent children whose schools or childcare are closed (including staggered school schedules) or employees who are required to quarantine or isolate or care for a family member who must quarantine or isolate may be entitled to paid leave under the Families First Coronavirus Response Act. The Act applies to leave taken through December 31, 2020. Employees should contact the Office of Human Resources for more information.

**Policy Administrator(s)**

Diann McKee, Senior Vice President for Finance and Administration and University Treasurer

Dr. Michael Licari, Provost and Vice President for Academic Affairs

**Policy Contact**

Tami Weinzapfel-Smith, Interim Executive Director of Human Resources

<b>Review / Approval</b>	<b>Date</b>	<b>Notes</b>
President's Cabinet	6/10/2020	Reviewed
President Curtis	(need date it was posted)	Approved
Review by President's Cabinet (extension through May 31, 2021)	9/22/2020	Reviewed
President Curtis	9/22/2020	