



THE
UNIVERSITY OF
NORTH CAROLINA
SYSTEM

MEETING OF THE BOARD OF GOVERNORS
Committee on Personnel and Tenure

March 19, 2020 at 2:30 p.m.
University of North Carolina System Office
Center for School Leadership Development, Room 111
Chapel Hill, North Carolina

AGENDA

OPEN SESSION

- A-1. Conflict of Interest Statement Kellie Hunt Blue
- A-2. Approval of the Open Session Minutes of February 20, 2020..... Kellie Hunt Blue
- A-3. Informational Reports
 - a. Faculty Recruitment and Retention Fund Utilization Under Delegated Authority to the President..... Kimberly van Noort
 - b. New UNC System Office and SAAO-I Appointments Under Delegated Authority to the President..... Matthew Brody
- A-4. General Updates for the Committee Matthew Brody and Kimberly van Noort
- A-5. Amendments to Annual Raise Process (ARP) Authority Pending a State Budget..... Matthew Brody
- A-6. Update on Pandemic and Communicable Disease Emergency Policy Technical Corrections Matthew Brody

CLOSED SESSION

- A-7. Approval of the Closed Session Minutes of February 20, 2020..... Kellie Hunt Blue
- A-8. EHRA Salary Pre-Authorizations Requiring Approval by the Committee on Personnel and Tenure..... Matthew Brody
- A-9. Informational Reports..... Matthew Brody
 - a. EHRA Salary Adjustment Pre-Authorizations Delegated to the President or His Designee
 - b. EHRA Salary Adjustment and New Position Consultations with the Chair and Vice Chair of the Committee on Personnel and Tenure
- A-10. Faculty Appeals Subcommittee Report Kellie Hunt Blue

OPEN SESSION

- A-11. Adjourn



Closed Session Motion

Motion to go into closed session to:

- Prevent the disclosure of information that is privileged or confidential under Article 7 of Chapter 126 of the North Carolina General Statutes, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- Consult with our attorney to protect attorney-client privilege.
- Consider the qualifications, competence, performance, or condition of appointment of a public officer or employee or prospective public officer or employee.

Pursuant to: G.S. 143-318.11(a)(1), (3), and (6).



DRAFT MINUTES

February 20, 2020
University of North Carolina System Office
Center for School Leadership Development, Room 128
Chapel Hill, North Carolina

This meeting of the Committee on Personnel and Tenure was presided over by Chair Kellie Hunt Blue. The following committee members, constituting a quorum, were also present: J. Alex Mitchell, C. Philip Byers, Reginald Holley, and Wendy Floyd Murphy.

Chancellor Kelli Brown, Chancellor Franklin Gilliam, and Chancellor Kevin Guskiewicz participated. Garrett Killian, chair of the UNC Staff Assembly, and David Green, chair of the UNC Faculty Assembly, were also in attendance.

Staff members present included Matthew Brody, Kimberly van Noort, Carolyn Pratt, and others from the UNC System Office.

1. Call to Order and Reading of Conflict of Interest Statement

The chair called the meeting to order at 2:02 p.m. and read the Conflict of Interest Statement.

2. Approval of the Minutes of January 16, 2020 (Item A-2)

The chair called for a motion to approve the open session minutes of January 16, 2020.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the open session minutes of January 16, 2020.

Motion: C. Philip Byers

Motion carried

3. Informational Reports (Item A-3)

The committee received informational reports on new UNC System Office SAAO-I appointments under delegated authority to the president, faculty promotions and tenure conferrals, and faculty recruitment and retention fund utilization under delegated authority to the president.

4. General Updates (Item A-4)

Matthew Brody and Kimberly van Noort updated the committee on recent System Office efforts. Dr. van Noort shared a progress update regarding provost searches taking place at seven of our institutions. Mr. Brody discussed the work being done on the chancellor incentive program and provided updates on the launch of the executive leadership institute and the Faculty Salary Analysis Tool.

Additionally, Mr. Brody briefed the committee on plans for the creation of a more uniform approach to deferred compensation for all of our institutions. Lastly, Mr. Brody shared updates regarding the four chancellor searches at East Carolina, UNC School of the Arts, UNC Charlotte, and Fayetteville State.

5. Eligible Sources of Funds for Senior Administrative Officers Retirement Plan (SAORP) (Item A-5)

The committee reviewed a request to create a standing exception to Section C of Policy 300.2.14 of the UNC Policy Manual to allow for non-state funding sources to be used to fund Senior Administrative Officers Retirement Plan (SAORP) contributions.

MOTION: Resolved, that the Committee on Personnel and Tenure approve the recommended standing exception to Section C of Policy 300.2.14 of the UNC Policy Manual to allow for non-state funding sources for SAORP contributions and present the exception to the Board for vote.

Motion: C. Philip Byers

Motion carried

6. Closed Session

The chair called for a motion to move into closed session.

MOTION: Resolved, that the Committee on Personnel and Tenure move into closed session to prevent the disclosure of information that is privileged or confidential pursuant to Article 7 of Chapter 126 of the North Carolina General Statutes [N.C.G.S. 143-318.11(a)(1)]; to establish or instruct the staff or agents concerning the negotiations of the amount of compensation or other terms of an employment contract [N.C.G.S. 143-318.11(a)(5)]; and to consider the qualifications, competence, performance, or conditions of appointment of a public officer or employee or prospective public officer or employee [N.C.G.S. 143-318.11(a)(6)].

Motion: J. Alexander Mitchell

Motion carried

THE MEETING MOVED INTO CLOSED SESSION.

(The complete minutes of the closed session are recorded separately.)

MOTION: Resolved, that the Committee on Personnel and Tenure return to open session.

Motion: Wendy Floyd Murphy

Motion carried

THE MEETING RESUMED IN OPEN SESSION AT 3:02 p.m.

There being no further business, the meeting adjourned at 3:03 p.m.

Michael Williford, Secretary



AGENDA ITEM

A-3a. Informational Report: Faculty Recruitment and Retention Fund
Utilization Under Delegated Authority to the President..... Kimberly van Noort

Situation: This is an informational report provided to the committee at each meeting pursuant to Section 200.6 of the UNC Policy Manual.

Background: Authority has been delegated to the president for approval of salary increases supported by the University of North Carolina Faculty Recruitment and Retention Fund.

Assessment: This month's report includes the following:

Faculty Retention and Recruitment Fund Expenditure:

- North Carolina State University, one approved request
- University of North Carolina at Chapel Hill, one approved request
- University of North Carolina at Greensboro, one approved request
- University of North Carolina Wilmington, one approved request

Remaining Balance of Fund

Note: Permanent adjustments to salary may be accomplished only with recurring funds. However, nonrecurring funds may be used for retention bonuses, research equipment and facilities, and other one-time inducements to counter outside offers. The remaining balances are:

\$0 in nonrecurring funds
\$452,523 in recurring funds

Action: This item is for information only.



THE UNIVERSITY OF NORTH CAROLINA SYSTEM
PRESIDENT'S DELEGATED FACULTY RECRUITMENT AND RETENTION FUND REPORT

North Carolina State University

Ryan Martin, associate professor in the Department of Statistics, \$13,361 from the Faculty Recruitment and Retention Fund and NC State funding the cost of benefits
(\$146,639 **from** \$133,278 effective February 18, 2020)

University of North Carolina at Chapel Hill

Jill Fisher, associate professor in the Department of Medicine, \$15,000 from the Faculty Recruitment and Retention Fund and UNC-Chapel Hill funding the cost of benefits
(\$141,477 **from** \$126,477 effective February 4, 2020)

University of North Carolina at Greensboro

Melissa Floyd-Pickard, professor and department chair in the Department of Social Work, \$16,582 from the Faculty Recruitment and Retention Fund and UNC Greensboro funding the cost of benefits
(\$127,778 **from** \$111,196 effective February 4, 2020)

University of North Carolina Wilmington

Toni Pence, assistant professor in the Department of Computer Science, \$7,779 from the Faculty Recruitment and Retention Fund and UNC Wilmington funding the cost of benefits
(\$91,318 **from** \$83,539 effective February 14, 2020)



AGENDA ITEM

A-3b. Informational Report: New UNC System Office Appointments Under Delegated Authority to the President Matthew Brody

Situation: This is an informational report provided to the committee at each meeting pursuant to Section 200.6 of the UNC Policy Manual.

Background: Section 200.6 of the UNC Policy Manual delegates authority to the president to appoint and fix the compensation of senior academic and administrative officers and other employees exempt from the State Human Resources Act serving at the UNC System Office.

Section 600.3.4 of the UNC Policy Manual delegates authority to the president to create Senior Academic and Administrative Officer positions (Tier I) within the System.

Assessment: This meeting's report includes the following:

UNC System Office Appointments:

- One personnel appointment that is state-funded
- One personnel appointment that is state and non-state funded

System SAAO-I Appointments

- Two SAAO-I Position Reclassifications

Action: This item is for information only.



**THE UNIVERSITY OF NORTH CAROLINA SYSTEM
PRESIDENT'S DELEGATED PERSONNEL ACTIONS REPORT**

The following actions have been approved by the president pursuant to Section 200.6 of the UNC Policy Manual during the period January 28, 2020 to February 25, 2020.

UNC System Office

Appointments

State Funded Positions:

Samantha Carney, Senior Associate Vice President for Strategy & Policy, \$170,000, 6/15/2020
(vacant position)

State & Non-State Funded Appointments:

David Kopplin, Assistant Vice President for Debt Management, \$148,000, 3/23/2020 (new position)

UNC System Institutions

New or Modified UNC System SAAO-I Positions or Appointments

UNCA:

Reclassification from SAAO-I (Vice Chancellor for Administration and Finance) to SAAO-I (Vice Chancellor for Budget and Finance).

NCSSM:

Reclassification from SAAO-II (Director of Western Campus Planning and Project Management) to SAAO-I (VC for Economic Development and NCSSM-Morganton Chief Campus Officer).

AGENDA ITEM

- A-5. Amended Authority for Fiscal Year 2019-20 Annual Raise Process Pending an Adopted State Budget or Mini-Bill Matthew Brody

Situation: As of March 2020, the Current Operations Appropriations Act of 2019 (“Appropriations Act of 2019” or “The Act”) has not been approved and therefore has not provided for compensation increases for faculty and other employees exempt from the North Carolina Human Resources Act (“EHRA non-faculty employees”) or for employees subject to the North Carolina Human Resources Act (“SHRA employees”). As a contingency in the event that either The Act or a suitable mini bill is enacted that provides a University salary appropriation, the president seeks added flexibility with respect to the details of any EHRA annual raise process (“ARP”).

Background: In May, 2019, the Board of Governors delegated to the president the authority to develop and issue to the System Office and the constituent institutions detailed instructions for an annual raise process (“ARP”) for permanent (generally benefits eligible) employees, upon allocation of funds to the Board of Governors pursuant to the Appropriations Act of 2019. For EHRA employees, this grant of authority specified that any discretionary increases are primarily based on demonstrated meritorious performance in teaching, service, publication, and/or research productivity, with labor market and/or equity as secondary factors. As the outcome or timing of any ARP process for fiscal year 2019-2020 remains uncertain, the prior grant of ARP authority to the president is proposed to be amended so that any discretionary EHRA increase may be accomplished either using an across-the-board approach and/or based on meritorious performance as the president deems appropriate and practical, so long as it shall comply with the Appropriations Act of 2019, or alternatively any other statutory authority which shall be enacted prior to the conclusion of the fiscal year. The authorities previously granted for any SHRA ARP shall remain in effect.

Assessment: The attached resolution, titled “Amended Authority for Fiscal Year 2019-20 Annual Raise Process Pending an Adopted State Budget or Mini-Bill,” formalizes this guidance in writing.

Action: This item requires a vote by the committee and a vote by the full Board of Governors.



**Amended Authority for Fiscal Year 2019-20 Annual Raise Process
Pending an Adopted State Budget or Mini-Bill**

As of March 2020, the Current Operations Appropriations Act of 2019 (“Appropriations Act of 2019” or “The Act”) has not been approved and therefore has not provided for compensation increases for faculty and other employees exempt from the North Carolina Human Resources Act (“EHRA non-faculty employees”) or for employees subject to the North Carolina Human Resources Act (“SHRA employees”).

In May, 2019, the Board of Governors delegated to the President the authority to develop and issue to the System Office and the constituent institutions detailed instructions for an annual raise process (“ARP”) for permanent (generally benefits eligible) employees, upon allocation of funds to the Board of Governors pursuant to the Appropriations Act of 2019. For EHRA employees, this grant of authority specified that any discretionary increases are primarily based on demonstrated meritorious performance in teaching, service, publication, and/or research productivity, with labor market and/or equity as secondary factors.

As the outcome or timing of any ARP process for fiscal year 2019-2020 remains uncertain, the prior grant of ARP authority to the President shall be amended so that any discretionary EHRA increase may be accomplished either using an across-the-board approach and/or based on meritorious performance as the President deems appropriate and practical, so long as it shall comply with the Appropriations Act of 2019, or alternatively any other statutory authority which shall be enacted prior to the conclusion of the fiscal year. The authorities previously granted for any SHRA ARP shall remain in effect.

BE IT SO RESOLVED.

_____, 2020

APPROVED BY THE BOARD OF GOVERNORS OF
THE UNIVERSITY OF NORTH CAROLINA

By: _____
Meredith M. Steadman
Secretary of the University

(Seal)



AGENDA ITEM

A-6. Update on Pandemic and Communicable Disease
Emergency Policy Technical Corrections.....Matthew Brody

Situation: Technical changes to *The Code* and the UNC Policy Manual are reported to this committee pursuant to Section 100.2.IV.D. Technical corrections were made to Section 300.2.15, the Pandemic and Communicable Disease Emergency Policy.

Background: Section 100.2.IV.D. of the UNC Policy Manual authorizes the secretary of the University, in consultation with the senior vice president and general counsel, to make technical changes to the Policy Manual. Technical changes are defined as including:

- Correction of typographical errors;
- Conforming changes to names, titles, statutory and regulatory references, and other designations;
- Correction of inconsistencies among policies that may result due to a more recent policy adoption, amendment, or rescission;
- Assuring that board delegations and resolutions are accurately reflected throughout *The Code* and Policy Manual; and
- Annotation of policies, regulations, and guidelines to cross-reference other provisions of the Policy Manual.

Any corrections or changes made pursuant to this policy are required to be summarized and reported in writing to the chair of the Board of Governors and the Committee on University Governance.

Assessment: The System Office completed needed technical corrections pursuant to this policy. A summary of the entire policy, clean version of the final policy, and redline version marking changes made from the old version of the policy are included in the materials that follow.

Action: This item is for information only.

In the event of a pandemic or communicable disease emergency, the following provides an overview of key policy provisions for University faculty and staff.

Alternative Work Arrangements

University officials may implement actions to limit the spread of disease during a communicable disease event following guidance or orders from the Governor and/or public health officials, including:

- Teleworking, use of conference calls and videoconferencing, and limitations on travel
- Canceling meetings, workshops, and classes
- Requiring the use of personal protective equipment (PPE) such as masks

Individuals who have traveled to highly affected areas may be required to self-quarantine and not return to work until the potential incubation period has passed. **Employees required to work under alternative arrangements will receive regular pay.**

Isolation/Quarantine of Ill, Symptomatic, or Exposed Employees

If employees become ill or are exposed to disease, then state or local public health officials have the ability to enforce quarantine or isolation procedures. (**Note:** Consult with public health authorities as necessary for all circumstances.)

- Employees who are quarantined **at the direction of public health officials will receive paid administrative leave** until the specified period of time ends or the employee becomes ill with the communicable disease, whichever comes first. Written verification from a public health official is required to confirm this status as soon as practicable.
- If an employee is not subject to official quarantine by public health authorities, but the UNC System president or chancellor believes that an employee has symptoms associated with a communicable disease or other demonstrated risk as determined in consultation with public health officials, the UNC System or constituent institution **may direct the employee not report to work, in which case use of compensatory time off, sick leave, vacation leave, or bonus leave is required.** Likewise, employees who opt to not report to work at their own discretion due to potential illness must use appropriate leave.
- If an employee becomes ill and it is determined to be work-related in accordance with the Workers' Compensation Act, then the workers' compensation policy applies. If the illness is deemed to be due to an off-the-job exposure, then the sick leave policy will be applied. Family and medical leave and family illness leave policies may also apply. If an employee does not have enough sick leave, the institution may work with the employee to advance leave or make arrangements for the employee to make up the time if the University determines that the work situation will allow it.

If an Institution or Part of an Institution is Closed

If the emergency is severe, the governor, public health officials, the UNC System president, or a chancellor may order an institution, or part of an institution, to close for a period of time.

- In the event that the institution is closed or that non-mandatory employees are ordered to not report to work and cannot work remotely, then employees may be granted paid administrative leave for up to 30 days.
- Designated mandatory employees may be required to report to work or to work remotely. Additional employees may also be designated to work if needed due to the length of the emergency, illness of mandatory employees, or other needs. Mandatory employees (other than senior officers of an institution) who are required to report to work receive time-and-a-half compensation for all hours worked onsite during a closure.
- If this section of the policy is put into effect, the president or chancellor must review the compensation and leave provisions every 30 days in consultation with appropriate authorities.

Emergency Furlough Provisions

An emergency furlough, or temporary layoff, may be declared if the institution remains totally or partially closed for an indefinite period of time. This scenario is relevant only for the most severe of public health emergencies.

- Employees will continue to accrue total state service, vacation, and sick leave while on emergency furlough.
- Employees will be entitled to participate in the State Health Plan. The institution will continue to pay the employer contribution; the institution may also pay the employee contribution for the pay period following the furlough, with the provision that the employee will repay the institution for this contribution.
- Employees may be eligible for unemployment benefits.

Policy on UNC System Pandemic and Communicable Disease Emergency

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 public health officials to be a public health emergency:¹

- A. Designation of Mandatory Employees.
- B. Compensation for Mandatory Employees.
- C. Accounting for Absences.
- D. Emergency Layoff Provisions. This policy applies to University of North Carolina System (UNC) non-faculty employees who are exempt from the North Carolina State Human Resources Act (EHRA). For employees subject to the North Carolina State Human Resources Act (SHRA), see the policy on Communicable Disease Emergency in the State Human Resources Manual.

II. Definitions

- A. Constituent Institution. One or more of the public educational institutions that make up the UNC System, including University affiliates.
- B. 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.
- C. Pandemic. The worldwide outbreak of a serious communicable disease in numbers clearly in excess of normal.
- D. Incubation Period. The time, usually in days, between exposure to an illness and the onset of symptoms.
- E. Isolation Authority. The authority to issue an order to limit the freedom of movement or action of persons or animals that are infected with a communicable disease or communicable condition for the period of communicability to prevent the direct or indirect conveyance of the infectious agent from the person or animal to other persons or animals who are susceptible or who may spread the agent to others. G.S. 130A-2(3a).
- F. Quarantine Authority. The authority to issue an order to limit:
 - 1. The freedom of movement or action of persons or animals which have been exposed to or are reasonably suspected of having been exposed to a communicable disease or communicable condition for a period of time as may be necessary to prevent the spread of that disease;
 - 2. Access by any person or animal to an area or facility that may be contaminated with an infectious agent; or

3. The freedom of movement or actions of persons who have not received immunizations against a communicable disease when the state health director or a local health director determines that the immunizations are required to control on an outbreak of that disease. G.S. 130A-2(7a).

G. Mandatory Employees. Employees who are required to work during a public health emergency because their positions have been designated by the UNC System Office or a constituent institution as mandatory to institutional operations during the emergency.

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

III. Responsibility

A. 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 the North Carolina Emergency Management Act, G.S. Chapter 166A, Article 1A, the governor may close and/or evacuate all schools, community colleges, and universities, 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.

B. 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 UNC System has the authority to make emergency closing decisions the president deems appropriate for the UNC System. The president may delegate such authority to the chancellors of constituent institutions. If circumstances permit, the 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 UNC System Office or constituent institution). However, the UNC System Office and each constituent institution 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 human resources director and the governor within five days after the occurrence.

C. If the president of the UNC System, or one of the president's designees, issues an emergency closing decision, the UNC System Office 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.

D. In accordance with G.S. 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.

IV. Possible Actions During a Pandemic. During a communicable disease outbreak, any of the following may occur:

- A. Closing of one or more constituent institutions or parts of a constituent institution by order of the governor;
- B. Closing of one or more constituent institutions or parts of a constituent institution as authorized by the UNC System president or the chancellor, while awaiting a decision by the governor or state or local public health director;
- C. Closing of one or more constituent institutions or parts of a constituent institution 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 or group of employees should be excluded from the workplace;
- E. Isolation of ill or symptomatic employees by public health officials; or
- F. Quarantine of exposed or potentially ill employees by public health officials.

V. Social Distancing. In order to minimize transmission from person to person, the Pandemic and Communicable Disease Emergency Plan for the UNC System Office and each constituent institution should have in place social distancing provisions to implement immediately upon orders from the governor and/or public health officials.

- A. A constituent institution may choose to practice social distancing by use of alternate worksites or teleworking. The UNC System president and chancellors are 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.
- B. 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:
 - 1. Reducing face-to-face exposure by using conference calls and video conferencing;
 - 2. Avoiding unnecessary travel;
 - 3. Canceling meetings, workshops, training sessions, and scheduled events;
 - 4. Requiring employees to work from home to reduce exposure in the workplace;
 - 5. Establishing flexible working hours to avoid mass transportation, at least during peak hours;
 - 6. Installing protective barriers between work stations or increasing space between workers;

7. Reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the agency);
8. Scheduling employees in shifts;
9. Controlling access to buildings; and
10. 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

A. The UNC System president and chancellors shall predetermine and designate mandatory operations in case of a pandemic or communicable disease emergency, and designate the employees to staff these operations.

B. The UNC System Office and constituent institutions shall each maintain a list of mandatory employees by position, including current employee name and contact information. The UNC System president and chancellors 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.

C. 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

A. When management determines that only mandatory employees are required to report to work, subject to the availability of funds, all permanent EHRA 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 UNC System who are subject to the provisions of Section 300.1.1.II., of the UNC Policy Manual, Policy on Senior Academic and Administrative Officers;
3. Associate and assistant vice chancellors;
4. Associate and assistant provosts; and
5. Associate and assistant deans.

B. 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.

C. Only eligible EHRA 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.

D. 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 UNC System president or chancellor believes that an employee has symptoms associated with a communicable disease, the UNC System Office or constituent institution 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 the UNC System Office or a constituent institution is closed or when the UNC System president or chancellor determines that only mandatory employees are required to report to work, the nonmandatory employees who are not required to work shall, at the discretion of the UNC System 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. 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 in accordance with the Workers' Compensation Act (that is, the nature of the employee's work resulted in a greater chance of exposure than that of the general public), 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.

A. The UNC System Office or constituent institution may require certification of fitness to work from a health care provider.

B. If quarantined, it is the employee's responsibility to provide the University or constituent institution 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

A. When the University or constituent institution 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 appropriate supervisor, be allowed to work at home or elect to:

1. Use vacation leave;

2. Use bonus leave;

3. Use sick leave;

4. Use compensatory leave;

5. Take leave without pay; or

6. Take up time in accordance with the parameters for making up time during adverse weather. The University or constituent institution may extend the make-up time to 24 months if necessary.

B. These provisions also apply for eldercare.

C. The UNC System Office or constituent institution has the right to request appropriate documentation to substantiate need.

XI. Review of Policy Provisions

A. In the event this policy is triggered, the president or chancellor must review the compensation and leave provisions every 30 days and, as appropriate, take any of the following steps:

1. Renew the compensation and leave provisions for another 30 days.

2. Revise the compensation and leave provisions for up to another 30 days.

3. Terminate the compensation and leave provisions if the public health emergency has ended.

B. Any changes in 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 layoff from which employees are expected to be recalled) may be declared if the UNC System Office or constituent institution remains totally closed or partially closed for an indefinite period of time.

A. During an emergency furlough, employees who are furloughed are entitled to participate in the State Health Plan. The UNC System Office or constituent institution shall continue paying the employer contribution on behalf of the employee. The University or constituent institution 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.

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

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

D. 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

A. Hiring. During the communicable disease emergency, if new hires are needed to cover emergency operations, the UNC System 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:

1. Waiving the posting policy;
2. Waiving the minimum qualifications policy; and
3. Waiving the hiring of relatives (nepotism) policy.

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

C. The UNC System president or chancellor is also authorized to offer competitive salaries for the duration of the emergency.

XIV. Other Matters

A. Effective Date. The requirements of this policy shall be effective upon the date of its adoption the Board of Governors.

B. Relation to State Laws. The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern the activities of public officials.

C. Regulations and Guidelines. These policies shall be implemented and applied in accordance with such regulations and guidelines as may be adopted from time to time by the president.

¹The 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.

Policy on UNC System 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:¹

A.I. Purpose:

- a) Designation of ~~mandatory employees~~ Mandatory Employees.
- b) Compensation for ~~mandatory employees~~ Mandatory Employees.
- c) Accounting for ~~absences~~ Absences.
- d) Emergency ~~lay-off provisions~~ Layoff Provisions.

This policy applies to University of North Carolina System (UNC) non-faculty employees who are exempt from the North Carolina State ~~Personnel~~ Human Resources Act (EPA)—EHRA. For employees subject to the North Carolina State Human Resources Act (SHRA), see the policy on Communicable Disease Emergency in the State Human Resources Manual.

II. Definitions:

A. Constituent Institution. One or more of the public educational institutions that make up the UNC System, including University affiliates.

B. 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.

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

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

E. Isolation:— [Authority: ~~G.S. 130A-2(3a)~~ Restriction. The authority to issue an order to limit the freedom of movement and/or action of ~~individuals~~ persons or animals that are infected with a communicable disease ~~to reduce the chance of spreading disease or~~ communicable condition for the period of communicability to prevent the direct or indirect conveyance of the infectious agent from the person or animal to other persons or animals who are susceptible or who may spread the agent to others. G.S. 130A-2(3a).

F. Quarantine [Authority: ~~(G.S. 130A-2(7a))~~ Restriction. The authority to issue an order to limit:

1. ~~The freedom of movement and/or action of individuals who are known to persons or animals which~~ have been exposed to or ~~may are~~ reasonably ~~be suspected to have of~~ having been exposed to a communicable disease ~~and who do not yet show signs or symptoms of infection or communicable condition for a period of time as may be necessary to prevent the spread of that disease;~~

2. Access by any person or animal to an area or facility that may be contaminated with an infectious agent; or

3. The freedom of movement or actions of persons who have not received immunizations against a communicable disease when the state health director or a local health director determines that the immunizations are required to control on an outbreak of that disease. G.S. 130A-2(7a).

G. ~~Mandatory Employees:~~ Employees who are required to work during a public health emergency because their positions have been designated by ~~their agencies~~ the UNC System Office or a constituent institution as mandatory to ~~agency/institutional~~ operations during the emergency.

H. ~~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:

A. In case of a public health emergency, the ~~Governor~~governor has broad powers to issue an emergency order to protect the public health. In accordance with ~~General Statute~~the North Carolina Emergency Management Act, G.S. Chapter 166A-6, Article 1A, the ~~Governor~~governor may close ~~and/or evacuate~~ all schools, community colleges, ~~and~~ 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~~governor may also close all non-mandatory ~~State~~state services and order mandatory services to remain operational.

B. In case of a public health emergency, while awaiting a decision by the ~~Governor~~governor or ~~State~~state or ~~Local Public Health Director~~local public health director, the ~~President~~president of the ~~University of North Carolina~~UNC System has the authority to make emergency closing decisions ~~he/she~~the president 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/sheUNC System. The president may delegate such authority to the chancellors of constituent institutions ~~and the heads of university affiliated entities.~~ If circumstances permit, the ~~University President~~president or ~~Chancellor~~chancellor shall confer with local/~~State~~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~~UNC System Office or constituent institution). However, the UNC System Office and each ~~University campus~~constituent institution shall adhere to any communicable disease orders of the ~~State~~state or local public health agencies to prevent transmission of a communicable disease. All closings shall be reported

to the ~~State Personnel Director~~state human resources director and the ~~Governor~~governor within five days after the occurrence.

C. If the ~~President~~president of the ~~University~~UNC System, or one of ~~his~~the president's designees, issues an emergency closing decision, the ~~University~~UNC System Office 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.

D. In accordance with ~~North Carolina General Statute~~G.S. 130A-145, the ~~State Health Director~~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)~~A. Closing of one or more ~~universities~~constituent institutions or parts of a ~~university~~constituent institution by order of the ~~Governor~~governor;

~~b)~~B. Closing of one or more ~~universities~~constituent institutions or parts of a ~~university or affiliate~~constituent institution as authorized by the ~~University President~~UNC System president or the ~~Chancellor~~chancellor, while awaiting a decision by the ~~Governor~~governor or state or ~~State or Local Public Health Director~~local public health director;

~~c)~~C. Closing of ~~a university~~one or more constituent institutions or parts of a ~~university~~constituent institution by agreement between ~~Public Health~~public health officials and a University authority or by order of ~~Public Health~~public health officials;

~~d)~~D. Concurrence by ~~Public Health~~public health officials and/or the ~~university~~University authority that an employee~~(s)~~ or group of employees should be excluded from the workplace;

~~e)~~E. Isolation of ~~an~~ill or symptomatic ~~employee(s)~~employees by ~~Public Health~~public health officials; or

~~f)~~F. Quarantine of ~~an~~exposed or potentially ill ~~employee(s)~~employees by ~~Public Health~~public health officials.

V. Social Distancing:

. In order to minimize transmission from person to person, the Pandemic and Communicable Disease Emergency Plan for the UNC System Office and each constituent institution ~~or affiliate~~ should have in

place social distancing provisions to implement immediately upon orders from the ~~Governor~~governor and/or ~~Public Health~~public health officials.

A. A constituent institution ~~or affiliate~~ may choose to practice social distancing by use of alternate worksites or teleworking. ~~The University President or Chancellor is~~The UNC System president and chancellors are 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.

B. 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~~1. Reducing face-to-face exposure by using conference calls and video conferencing;
- ~~b) — avoiding~~2. Avoiding unnecessary travel;
- ~~c) — canceling~~3. Canceling meetings, workshops, training sessions, and scheduled events;
- ~~d) — requiring~~4. Requiring employees to work from home to reduce exposure in the workplace;
- ~~e) — establishing~~5. Establishing flexible working hours to avoid mass transportation, at least during peak hours;
- ~~f) — installing~~6. Installing protective barriers between work stations or increasing space between workers;
- ~~g) — reinforcing~~7. Reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the agency);
- ~~h) — scheduling~~8. Scheduling employees in shifts;
- ~~i) — controlling~~9. Controlling access to buildings; and
- ~~j) — requiring~~10. 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:

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

B. The ~~University~~UNC System Office and constituent institutions shall each maintain a list of mandatory employees by position, including current employee name and contact information.

The ~~University President~~UNC System president and ~~Chancellor~~chancellors 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.

C. 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:

A. When management determines that only mandatory employees are required to report to work, subject to the availability of funds, all permanent ~~EPA~~EHRA 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~~UNC System who are subject to the provisions of Section 300.1.1.II., of the ~~policy~~UNC Policy Manual, 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; and

5) Associate and assistant deans.

B. However, at the discretion of the ~~President~~president or ~~Chancellor~~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.

C. Only eligible ~~EPA~~EHRA 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.

D. When necessary and available, payment of salaries normally funded from non-~~State~~state funds may be made from ~~State~~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)A.~~ Quarantined by a Public Health ~~official:~~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)B.~~ Employee is ~~required~~Required by the University to ~~stay home:~~Stay Home. If the ~~university administration~~UNC System president or chancellor believes that an employee has symptoms associated with a communicable disease, the UNC System Office or 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)C.~~ If the University is ~~closed:~~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 the UNC System Office or a University constituent institution is closed or when the ~~university administration~~UNC System president or chancellor determines that only mandatory employees are required to report to work, the ~~non-mandatory~~nonmandatory employees who are not required to work shall, at the discretion of the ~~University President or Chancellor~~UNC System 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)D.~~ If an ~~employee becomes ill:~~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 (that is, the nature of the employee's work resulted in a greater chance of exposure than that of the general public),~~ 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~~sick leave policy applies. The provisions of the ~~Family~~family and ~~Medical Leave Policy~~medical leave policy and the ~~Family Illness Leave Policy~~family illness leave policy shall also apply.

~~e)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.

A. The University UNC System Office or constituent institution may require certification of fitness to work from a health care provider.

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

X. Day ~~care~~Care or ~~public~~Public and ~~private school closings~~Private School Closings/Elder Care:

A. When the University or constituent institution 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 appropriate supervisor, be allowed to work at home or elect to:

a) ~~use~~ 1. Use vacation leave;_i

b) ~~use~~ 2. Use bonus leave;_i

c) ~~use~~ 3. Use sick leave;_i

d) ~~use~~ 4. Use compensatory leave;_i

e) ~~take~~ 5. Take leave without pay;_i or

f) ~~make~~6. Take up time in accordance with the parameters for making up time during adverse weather. The University or constituent institution may extend the make-up time to 24 months if necessary.

B. These provisions also apply for eldercare.

C. The ~~University~~UNC System Office or constituent institution has the right to request appropriate documentation to substantiate need.

XI. -Review of Policy Provisions:

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

a)1. Renew the compensation and leave provisions for another 30 days.

b)2. Revise the compensation and leave provisions for up to another 30 days.

c)3. Terminate the compensation and leave provisions if the public health emergency has ended.

B. 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 layoff from which employees are expected to be recalled) may be declared if the UNC System Office or constituent institution remains totally closed or partially closed for an indefinite period of time.

~~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.~~

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

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

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

D. 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.

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- i) ~~waiving1.~~ Waiving the posting policy;₂
- ii) ~~waiving2.~~ Waiving the minimum qualifications policy;₂ and
- iii) ~~waiving3.~~ Waiving the hiring of relatives (nepotism) policy.

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

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A. Effective Date. The requirements of this policy shall be effective upon the date of its adoption the Board of Governors.

B. Relation to State Laws. The foregoing policies as adopted by the Board of Governors are meant to supplement, and do not purport to supplant or modify, those statutory enactments which may govern the activities of public officials.

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