

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.