



Employee Relations Organizations Meeting

Wednesday, April 29th, 2020

9:00am to 11:00am

ZOOM

Representatives Present:

ERC: Amber Carter, Jackie Cotton, Jasmine Bowles, Jean Perdicaris, Joyce Hamilton, Katora Jones, Linda Johnson, Nathan Tipton, Nury Magana, Robyn Taylor, Andrea Briggs, Jackie Fox, Victoria Christian,

ESC: Blake Dingman, Daniel Hutchinson, Dorothea Owens, Kimberlee Norwood, Lisa Hall, Stephanie Breuer, Venus Claxton, Yin Su, Felicia Washington, Vanessa Baker

Representatives Absent: Daniel Claxton, Kaining Zhi, April Thompson

Meeting Agenda

- 9:00am Welcome – Debbie Long
- 9:05am Lauren Rotonda – ADA Procedure
- 9:30am Brandi Martin – Sick Leave Bank and FML Policy and Procedure
- 10:10am Families First Coronavirus Response Act (FFCRA) – Debbie Long/Chandra Alston
- 10:25am Round Robin - Poll representatives on:
 - How can HR support you during remote work operation?
 - How is your area coping with the recent work environment changes?
- 11:45am Announcements

Update from absent attending representative:

Kaining Zhi – ESC – Plough Center, Forensic Center, and Campus Police Rep-

- For Campus Police, I did not receive any information from the police.
- Plough Center's only update is our hand sanitizer using FDA's formula. We are planning to expand our production scale. We already contacted vendors regarding equipment and space. Everything is moving forward.

April Thompson

- GME has already begun staggered phase of returning to the office. Beginning next week, on May 4th, we will begin increasing the number of days each person is in office with the goal of having 100% in-office return by June 1, 2020. At this moment, we intend to maintain plans for an on-campus, face-to-face orientation for all 2020/2021 incoming residents in late June.

ADA Accommodations

Presented by:

Lauren Rotonda, JD, MBA

Deputy ADA & Section 504 Coordinator, UTHSC

Why is this topic important?

- ✓ Trigger legal obligations for University
- ✓ Processes enable us to retain diverse workforce, which:
 - Increases creativity and innovation
 - Enhances organizational problem-solving abilities
- ✓ Results in increased engagement, productivity, and retention rates

Examples of Reasonable Accommodations



Feranmi Okanlami, MD, MS
Family Medicine Physician & Prof.

- During residency, became partially paralyzed after sustaining spinal cord injury
- Completed residency and now practices medicine utilizing accommodations such as assistive technology and mobility devices (e.g., standing wheelchair)

Examples of Reasonable Accommodations

Judith Heumann, MPH
*Disability Rights Advocate; former
Special Advisor to President Obama*

- At 18 months contracted polio, and has utilized a wheelchair for mobility for most of her life
- Attended college, became first teacher in NYC to use a wheelchair by demanding accommodations like the right to live in dorms and ramps to access buildings



Objectives

- Review basic concepts related to accommodations
- Recognize how accommodation-related matters commonly arise
- Gain familiarity with UTHSC accommodation process and resources

Applicable Policies

UT Policy HR 0220 – Equal Employment Opportunity

- Encompasses legal requirements of ADA and Section 504 of Rehabilitation Act
- Ensures fair employment practices without regard to protected characteristics (e.g., race, religion, national origin, disability, veteran status)
- Reasonable accommodations will be made for qualified disabled veterans and persons with disabilities
- Policy extends to all phases of employment

Accommodations Under the ADA

Reasonable Accommodations: Core Concepts

Eligibility:

- OED makes determination based on information in ADA forms (uthsc.edu/oed/disabilities)
- Accommodations available for otherwise qualified employees with disabilities
 - Disability = impairment impacting major life activities
 - Major life activities = hearing, seeing, walking, caring for self, etc.
 - Or – record of substantially limiting impairment; regarded as having disability

Accommodations:

- Any modification to job/workplace that removes functional limitation
- Obligation extends to qualified employees & applicants (must provide equal opportunity)

Notes on Reasonable Accommodations

- Appropriate RA(s) will vary & are evaluated on case-by-case basis
- Examples include:
 - Extended leave (*esp.* during transition from FMLA leave)
 - The purchase of special equipment, software, etc.
 - Providing additional supervision (e.g., help with task management)
- All requests are different – creative, open-minded approach important

Steps: UTHSC ADA Accommodation Process

1. Employee* or representative requests accommodation

- ✓ *No "magic words" required; can be made at any point during employment*

2. Refer to OED to facilitate request process

- ✓ *Accommodation request forms on OED website*
- ✓ *OED reviews forms & makes initial eligibility determination*

3. OED coordinates interactive process meetings; discuss limitations & options

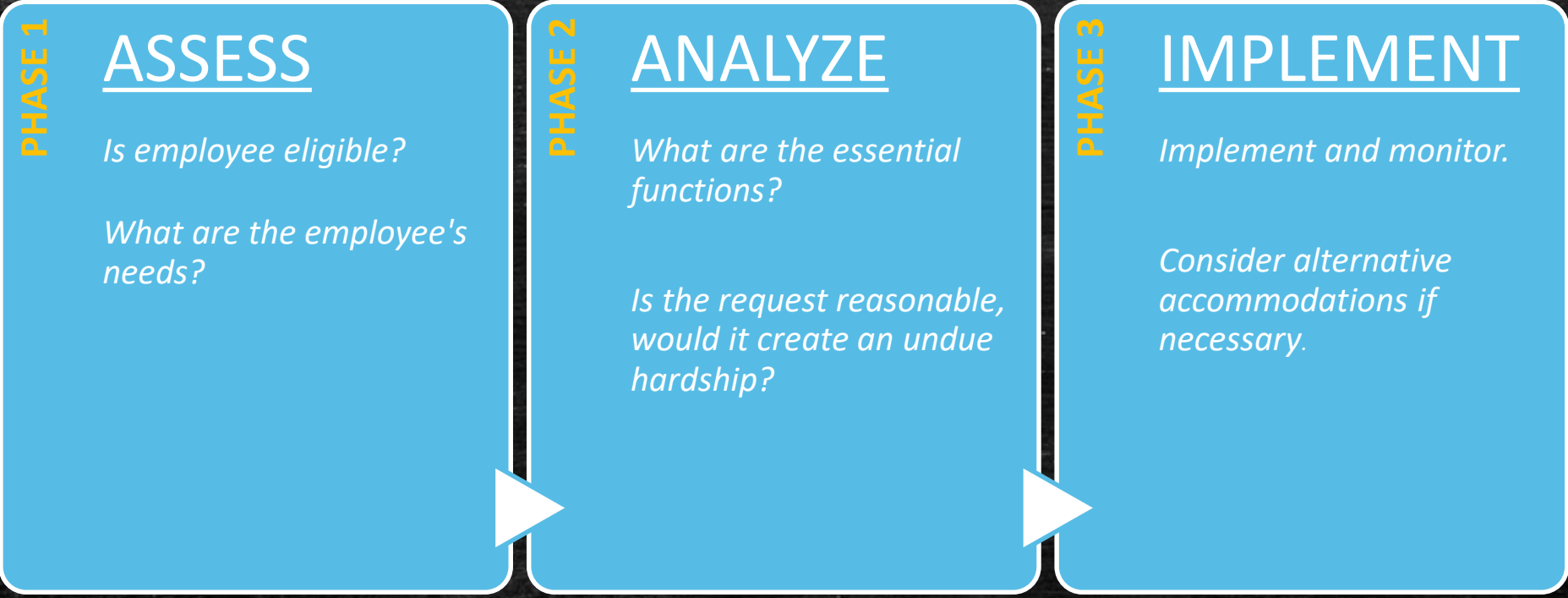
- ✓ *Meetings include employee, OED, manager, HR/Employee Relations*

4. OED, in conjunction with HR and other areas, will make final determination

5. Continue steps 3 - 4 until accommodation implemented or process concludes

** Students may request & receive accommodations through SASSI.*

UTHSC ADA Accommodation Process



Accommodation Resources

- **Disability Information, Forms & FAQs:**

<https://www.uthsc.edu/oed/disabilities.php>

- Includes Accessible Parking Application forms

- **Contact OED:**

- Phone: (901) 448-2112

- Email: hsc-oed@uthsc.edu

Questions?

Comments?



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER™

Brandi Martin
Employee Relations Specialist

Sick Leave Bank

Sick Leave Bank

The Sick Leave Bank (SLB) is an opportunity for eligible employees to protect their income. The SLB may provide paid leave to bank members who have exhausted all of their own paid leave due to a personal illness or injury.

In order to be eligible to enroll in this benefit employees must:

- Be classified as regular, full-time, or part-time and be in an active pay status, which allows accrual of sick leave.
- Have a balance of at least 48 sick leave hours as of **July 31st**.
- Agree to a one-time assessment (donation) of 24 hours of sick leave for full-time employees.
- Part-time employee's assessments will be pro-rated based on the percentage of effort.

Enrollment is through August 31st

Family and Medical Leave

What is the Family and Medical Leave Act?

The Family and Medical Leave Act (FMLA) of 1993 is a **federal law** that provides eligible employees up to **12-workweeks (60 working days)** of job-protected leave during a **12-month period** for specified family and medical reasons.

Family and Medical Leave (FML) can be taken in a continuous block, intermittently or on a reduced leave schedule under certain circumstances.

- **Eligibility**

- Worked one (1) year at UTHSC and
- Worked 1,250 hours during the previous 12-months before taking medical leave
 - 1,250 included hours actually worked. Does not include leave accrual usage or unpaid leave.

- **Qualifying Events**

- For a serious health condition that makes the employee able to perform the essential functions of his or her job
- To care for a spouse, child or parent who has a serious health condition
- For the birth, adoption or foster care of a child
- For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or call to covered active duty status.
- Military Caregiver provision (up to 26-weeks)

- **Non-paid Leave**

- Employees must use leave accruals to be paid while on FMLA
 - Leave accruals: Compensatory time, sick and annual

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Serious Health Condition



A serious health condition, as defined under FMLA is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Examples:

- Conditions requiring an overnight stay in a hospital or other medical care facility;
- Conditions that causes a person to be incapacitated for more than three (3) consecutive full days;
- Chronic conditions that causes:
 - Two (2) or more visits to a health care provider in a year;
 - One (1) visit and continuing treatment
 - First visit within seven (7) days of first day of incapacity
- Pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest)

Serious Health Condition

Tennessee Parental Leave (TPL)

Eligible employees receive **four (4) months (16-workweeks/80 working days)** for adoption, pregnancy, childbirth and nursing the infant, in accordance with T.C.A. § 4-21-408. With regard to adoption, the four (4) month period shall begin at the time the employee receives custody of the child.

FML and TPL run concurrently.

Serious Health Condition

Examples of conditions that **do not meet** the definition of a serious health condition and do not qualify for FML, unless complications arise.

Examples:

- Common cold
- Flu
- Earaches
- Upset stomach
- Minor ulcers
- Headaches other than migraine
- Routine dental or orthodontia problems
- Periodontal disease

Steps to Take

- Notify your immediate supervisor
 - Employees are not required to provide detailed medical information to supervisors.
- Notify Human Resources
 - Human Resources will provide eligible employees with medical certification to submit to their needed to approve FML
- Submit medical certification to Human Resources
 - FML allows employers to require employees to submit medical certification.
 - Medical information should only be sent to Human Resources and will be maintained in a confidential file.
- Human Resources will approve or deny FML based on information provided by health care provider.
- Employees are required to provide a Fitness for Duty Notice to return to work.

Employee Rights

- Entitles an employee on FML to continue health benefits while on leave.
- Generally gives an employee the right to return to the same or an equivalent position with equal pay, benefits and working conditions at the conclusion of the leave.
- Since an employee's job is protected when they are absent from work on FML, no negative employment actions can be taken against them for medical related absences.

Note:

Employees are not required to request or apply for FML. However, if an employee leave falls into a qualifying FML category, the leave can be designated and coded as FML. Due to university policy, absences not protected by FML may subject the employee to disciplinary action up to and including termination.

Questions?



The Families First Coronavirus Response Act (FFCRA)



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
dol.gov/agencies/whd

Disclaimer

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Family First Coronavirus Response Act (FFCRA)

- Signed into law **March 18, 2020**
 - Emergency Paid Sick Leave Act (EPSLA)
 - Emergency Family and Medical Leave Expansion Act (EFMLEA)
- Effective **April 1, 2020**
- Expires **December 31, 2020**
- Enforced by the U.S. Department of Labor Wage and Hour Division (WHD)



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FFCRA–Exclusion of Health Care Providers and Emergency Responders

Employers may exclude employees who are either:

- Health Care Providers, or
- Emergency Responders



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FFCRA–Exclusion of Health Care Providers

Health Care Provider is:

Anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health provider, any facility that performs laboratory or medical testing, pharmacy, OR any similar institution, employer, or entity.



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FFCRA Resources

- [Families First Coronavirus Response Act: Employee Paid Leave Rights](#) - *Also available in Spanish*
- [Families First Coronavirus Response Act: Employer Paid Leave Requirements](#) - *Also available in Spanish*
- [Families First Coronavirus Response Act: Questions and Answers](#)
- [Field Assistance Bulletin \(FAB\) No. 2020-1](#)
- [\(Poster\) Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#) - *Also available in Spanish*
- [Families First Coronavirus Response Act Notice - Frequently Asked Questions](#)
- [\(Poster\) Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act](#) - *Also available in Spanish*
- WHD-COVID19@dol.gov - *Email address for questions*



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Quick Steps to Follow for Reporting COVID-19 Cases:

- 1) Complete the UTHSC Employee COVID-19 Notice Form on your computer or smart phone by clicking the link below:

<https://forms.office.com/Pages/ResponsePage.aspx?id=2RNYUX1x3UWeypqhnAnW-ZqS-CnwjSpBiw7Op6mz2vZUQ1FQT09STENNUUxSDA4RVk4TkDSSFlyTS4u>.

A supervisor can complete the UTHSC Employee COVID-19 Notice Form on behalf of the employee.

- 2) If an employee does not have access to a computer or smart phone, please call HR and leave a detail message along with your call back number at **(901) 448-5600**.
- 3) A representative of the HR COVID-19 Response Team will contact the employee. Afterwards, HR will send a follow-up email to the employee and their supervisor as confirmation of the notice.
- 4) Once an employee has been cleared to return to work, they should contact HR and supply the required documentation at hr@uthsc.edu or call **(901) 448-5600**. A representative of the HR COVID-19 Response Team will confirm that they have received the support documentation and follow-up with a clearance email to the employee and supervisor.
- 5) **No employee should report back to work without a clearance email from the HR COVID-19 Response Team.**

Note: Additional information and updates as it pertains to COVID-19 are available by clicking the following link - <https://uthsc.edu/coronavirus/campus-updates/index.php>.

We understand that members of the UTHSC community may be experiencing heightened levels of anxiety during this time. We encourage employees who feel anxious or worried about friends and family because of the coronavirus to contact our Employee Assistance Program, or EAP, who is available to help. Simply call 855.437.3486 or go to <https://www.here4tn.com/>.

Feel free to contact Tracy Horton at (901) 448-3396 or thorto12@uthsc.edu if you have additional questions or concerns.