



THE UNIVERSITY OF NORTH CAROLINA  
**ASHEVILLE**

**Policies and Procedures**

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**Title: Pandemic and Communicable Disease Emergency Personnel Policy**

**Source Documents:** [UNC Pandemic and Communicable Disease Emergency Policy 300.2.15](#)  
[State Personnel Manual – Communicable Disease Emergency Policy](#)

**Purpose:** The purpose of this policy is to outline personnel provisions detailing the response of the University in the event of (1) a communicable disease or (2) other serious health threat that is declared by public health officials to be a public health emergency.

**Scope:** This policy applies to SPA, EPA Non-Faculty and Temporary employees in accordance with UNC Asheville’s Emergency Operations Plan.

**Definitions:**

**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.

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

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

**Isolation:** Restriction of movement (i.e. separation from contact with other people), during the period of communicability, of a person infected with a communicable disease, in a place and under conditions so as to prevent direct or indirect transmission of the disease to others.

**Quarantine:** Restrictions, during or immediately prior to a period of communicability, of activities or travel of an otherwise healthy person who likely has been exposed to a communicable disease. The restrictions are intended to prevent disease transmission during the period of communicability in the event the person is infected.

**Mandatory Employees:** Employees who are required to work during a public health emergency because their positions have been designated by the University as mandatory to university operations during the emergency. This designation is different from Critical Personnel designation under the Adverse Weather Policy.

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

**Policy:** In a pandemic or communicable disease emergency, a variety of functions will be necessary to continue to provide support for the safety and security of students, staff, and faculty. This policy covers the following areas during such an emergency:

- Declaration of Emergency Process and Initial Steps
- Designation of mandatory employees
- Compensation for mandatory employees
- Accounting for absences, and
- Emergency lay-off provisions.

## **I. Declaration of Emergency Process and Initial Steps**

### **A. Responsibility**

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 General Statute 166A-6, the Governor may close all schools, community colleges, 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 may also close all non-mandatory State services and order mandatory services to remain operational.

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 University of North Carolina has the authority to make emergency closing decisions he/she deems appropriate for the University. He/she may delegate such authority to the Chancellor. If circumstances permit, the Chancellor shall confer with local/State public health officials to determine the severity of the situation and to determine what actions shall be taken (including closure of the University.) The University shall adhere to any communicable disease orders of the State or local public health agencies to prevent transmission of a communicable disease. Closing of the University shall be reported to the State Personnel Director and the Governor within five days after the occurrence.

If the President of the University System or the Chancellor issues an emergency closing decision, the University 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. This notification shall be made by the Chancellor or his/her designee.

In accordance with North Carolina General Statute 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 alternatives exist.

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.

## **B. Possible Actions during a Pandemic**

During a communicable disease outbreak, any of the following may occur:

1. Closing of the University or parts of the University;
2. Closing of the University or parts of the University as authorized by the University President or the Chancellor while awaiting a decision by the Governor or State or Local Public Health Director;
3. Closing of the University or parts of the University by agreement between Public Health officials and the Chancellor, or by order of Public Health officials;
4. Concurrence by Public Health officials and/or the Chancellor (as advised by university safety officials) that an employee(s) should be excluded from the workplace;
5. Isolation of an ill or symptomatic employee(s) by Public Health officials; or
6. Quarantine of an exposed or potentially ill employee(s) by Public Health officials.

## **C. Social Distancing**

Social distancing is the best practice recommendation of health professionals to prevent or slow the spread of a virus by human-to-human transmission. Social distancing suspends public gatherings and limits on-campus business to help prevent the spread of communicable diseases. The social distancing component of this policy includes the use of the University's Teleworking policy. The University System President or Chancellor is authorized to establish immediate telework arrangements, bypassing the normal requirements outlined in the University Teleworking policy, during the declared emergency.

Social distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. There are a number of administrative and engineering controls that can be employed, including but not limited to:

1. reducing face-to-face exposure by using conference calls and videoconferencing;
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 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 (to be provided by the University);
8. scheduling employees in shifts;
9. controlling access to buildings; and
10. requiring asymptomatic employees traveling to affected areas to not return to work until one incubation period of the subject disease has passed after returning home.

## **II. Designation of Mandatory Employees:**

The Chancellor or her designee shall predetermine and designate mandatory operations in case of a pandemic emergency or communicable disease and a list of mandatory employees by position, including current employee name and contact information shall be maintained. This list shall also include an alternative plan for personnel in case the designated personnel are quarantined or ill. The alternative list may include current employees who are not designated as mandatory but who possess the mandatory skills, retirees, contract workers or other temporary employees.

Employees designated as mandatory personnel will be notified of such designation in writing, including the requirement to report for, or remain at, work in emergency situations. Appropriate information and training will be provided as needed. If mandatory personnel are required to remain at the worksite for an extended period of time, the University will provide for food and shelter.

## **III. Compensation for Mandatory Employees**

When management determines that only mandatory employees are required to report to work, subject to the availability of funds, all permanent SPA and EPA non-faculty employees shall be granted time and one-half pay for all hours worked with the exception of the following:

- A. Faculty
- B. Senior officers of the University who are subject to the provisions of Section II of the policy on Senior Academic and Administrative Officers (UNC Policy Manual 300.1.1)
- C. Deans in administrative roles
- D. Associate and assistant vice chancellor
- E. Associate and assistant provosts
- F. Associate and assistant deans

However, at the discretion of the Chancellor, employees in the 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.

Only eligible SPA and EPA non-faculty (i.e. staff) 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.

*Note for Finance/Budget Officers: 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.*

#### **IV. Accounting for Absences**

SPA and EPA Non-Faculty 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 all employees with ill family members to stay home to care for them.

##### **A. Leave**

The type of leave utilized by an employee will depend upon the circumstances:

1. 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.
2. Employee is required by the University to stay home - If the university administration believes that an employee has symptoms associated with a communicable disease, the University may require the employee not to report to work and to use compensatory leave, sick leave, vacation leave or bonus leave.
3. If the University is closed - Although all efforts will be made to allow non-mandatory employees to work from an alternative location, it may not always be possible. When the University is closed or when the Chancellor determines that only mandatory employees are required to report to work, non-mandatory employees who are not required to work shall, at the discretion of the Chancellor, be granted paid administrative leave for up to 30 calendar days.
4. Employee is on prearranged vacation leave or sick leave – An employee who is on prearranged vacation leave or sick leave shall charge leave to the appropriate account until the end of the scheduled days off. Also, employees on leave without pay shall continue on leave without pay until the scheduled leave without pay period ends.

The Chancellor, in consultation with the President of the University System and/or the Office of State Budget, must review the compensation and leave provisions at least every 30 calendar days and, as appropriate, renew the compensation and leave provision for another 30 days. The compensation and leave provision will terminate when the public health emergency ends. Any change in the compensation and leave provision must be communicated to employees in a timely manner.

Pending a renewal or revision, employees may be allowed to take leave (compensatory, sick, vacation and/or bonus) until a decision is made.

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, depending on payroll deadlines for that pay period.

5. If an 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 Worker's Compensation Act, the Worker's Compensation Policy applies. If the employee is isolated or becomes ill as a result of off-the-job exposure, the Sick Leave policy shall apply. The provisions of the Family and Medical Leave Policy and the Family Illness Leave Policy may also apply.

Advisory Note: Should an employee not have sufficient sick leave available, the University may, at its discretion, 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.

#### **B. Verification**

Following an employee illness, the University may require certification of fitness to return to work from a licensed health care provider.

If quarantined, it will be the employee's responsibility to provide to the University a written verification of his/her release to return to work from a Public Health official prior to returning to work.

At the time of the emergency, guidance will be available from Public Health Officials and through university communications. University notifications will be communicated through the university's emergency notification system (as established in the University's Emergency Preparedness Plan) and on the university web site.

#### **C. Day Care/Public or Private School/Elder Care Closings**

When the University is open but a non-mandatory employee who is a parent (or guardian) or care provider to an elderly family member is required to stay home with that family member (as defined in the FMLA) because of a health-related closure of the facility, the SPA or EPA non-faculty employee may, with approval of the supervisor, be allowed to work at home or use vacation, bonus, sick, or compensatory leave or take leave without pay. The employee may also make up time, and the University may extend the make-up time up to 24 months.

#### **D. Review of Policy Provisions**

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

1. Renew the compensation and leave provisions for up to 30 days,

2. Revise the compensation and leave provisions for up to 30 days, or
3. Terminate the compensation and leave provisions if the public health emergency has ended.

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.

## **V. Emergency Furlough**

An emergency furlough for staff may be declared if the University remains totally or partially closed for an indefinite period of time. During an emergency furlough, employees who are furloughed are entitled to participate in the State health plan. The University shall continue paying the employer contribution on behalf of the employee. The University may also 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/her behalf.

An employee will continue to accrue vacation and sick leave while on emergency furlough, and will also continue to receive total State service while on emergency furlough. 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 furlough period it is determined that the University no longer requires the services of these employees, normal University lay-off provisions would apply.

## **VI. Hiring for Mandatory Operations**

During the communicable disease emergency, if new hires are needed to cover mandatory operations, the Chancellor is authorized to immediately hire an individual deemed qualified and able to do the work. The Chancellor is authorized to waive the posting policy, the minimum qualifications policy and the nepotism policy. The Chancellor is also authorized to offer competitive salaries for the duration of the emergency. These hires will be given temporary or time-limited permanent appointments.

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