

MSU Human Resources FAQs 7/9/2020

Working Remotely

1. Can remote work continue indefinitely?
 - a. No. Depending on the type of work in a given position, working remotely intermittently to lessen contacts or stagger schedules may be an option to discuss with your supervisor. Positions that were based on-campus prior to March 2020 will remain based on-campus moving forward.
 - b. Absent a need to work remotely as a reasonable accommodation under the American's with Disabilities Act, employers are not obligated to allow telework.
2. Will faculty/staff have the option to work remotely at least part of the time to minimize campus community contact?
 - a. Remote work may be an occasional option for some. Employees should speak with their supervisor as to what would be appropriate and what options may be available.
3. According to what I've read from the Center for Disease Control (CDC), I am at a "high risk" for serious illness from COVID-19 should I contract it. What should I be aware of, and what options do I have if I do not want to come to work?
 - a. Early information as reported by CDC indicates that some people are at a higher risk of getting sick if they come in contact with COVID-19, including:
 - i. Older adults
 - ii. Pregnant women
 - iii. People who have serious chronic medical conditions like heart disease, diabetes and lung disease.

If you fall into one of these categories, you should be especially careful to take actions to reduce your risk of being exposed to COVID-19, including the precautions previously mentioned.

It is likely that guidance we issue will become role-specific. For example, those who are in roles which have a large amount of face-to-face contact are in a different position than those who work in an isolated way.

HR will ask supervisors to work with the individual to agree how they are best protected. We will address each situation on a case-by-case basis considering individual circumstances and current guidance from healthcare officials.

If you are in self-quarantine in order to reduce risk of being exposed to COVID-19, but not sick, then usual leave policies will apply for requesting time off. See applicable policies for more information. A special exception to the leave policy has been approved due to the Coronavirus; thus you may be able to use sick leave for this event.

Families First Coronavirus Response Act (FFCRA)

1. What is the Families First Coronavirus Response Act and how does it impact me?
 - a. The Families First Coronavirus Response Act, H.R. 6201, will become effective April 1, 2020. This act will provide additional leave to employees who meet certain criteria. [Click here to review a poster that explains your rights under this act as an employee impacted by the COVID-19 pandemic.](#)
2. Who is covered by the FFCRA?
 - a. Covered employees eligible for paid sick leave include:

- i. Employee subject to a Federal, State, or local quarantine or isolation order related to coronavirus;
- ii. Employee has been advised by health care provider to self-quarantine due to coronavirus;
- iii. Employee is experiencing symptoms of coronavirus;
- iv. Employee is caring for an individual who is subject to an order described in (1) or has been advised as described in (2);
- v. Employee is care for their child because the school is closed or childcare provider is unavailable due to coronavirus; or
- vi. Employee is experiencing a similar condition specified by Secretary of HHS.

Quarantine

1. What if I need to self-quarantine and cannot meet my job duties/responsibilities?
 - a. Notify your supervisor as soon as possible. Discuss with your supervisor the option of telecommuting (working remotely). If it is determined that you cannot work remotely, you can file for COVID-Sick leave (up to 80 hours thru December 31st, 2020) with the Human Resources office. While in self-quarantine you should monitor your symptoms following the guidelines from the North Dakota Department of Health.
2. How do I request leave if I contract COVID-19 or have another COVID related absence?
 - a. Email your supervisor and HR. They will provide you with instructions, and let you know what, if any, documentation will be required from you.
3. What kind of leave do I use for Self-Quarantine?
 - a. Self-quarantine will be condition specific:
 - i. If you are required to self-quarantine due to exposure, email your supervisor and Human Resources. They will assist with determining what leave to use and what documentation to provide.
 - ii. If you were required to travel on College business and need to self-quarantine then you may be eligible for administrative leave.
 - iii. If you choose to travel to an area that requires known self-quarantine upon return, then our usual leave policies will apply for requesting the quarantine period off.
 - iv. If you self-quarantine by your own decision, then our usual leave policies will apply for requesting time off.

Paperwork

1. Do I need to complete FMLA paperwork if I contract COVID-19?
 - a. If the absence involves actual contraction of COVID-19, hospitalization or longer-term treatment, FMLA paperwork may be requested. The Department of Labor has the information regarding this available here: <https://www.dol.gov/agencies/whd/fmla/pandemic>
2. I haven't been able to file my flexible benefit claims for the 2019 benefit year because of COVID-19. Can I still do so?
 - a. You will have until April 30, 2020 to file your claims. This is an extension from the previous March 15, 2020 deadline.

Family

1. What if I need to take care of a family member who has COVID-19?
 - a. If you have sudden caring responsibilities for a family member, you should report the information to your supervisor and Human Resources. They will assist with determining what leave to use and if

working remotely on a temporary basis may be an option for you given your position and situation. The Department of Labor has information regarding this available online at:

<https://www.dol.gov/agencies/whd/fmla/pandemic>.

2. What if my child's daycare or school is closed and I unable to meet my job responsibilities during this time?
 - a. If you are unable to work due to caring responsibilities, you should report the information to your supervisor and Human Resources. They will assist with determining what leave to use and explore if working remotely on a temporary basis may be an option for you given your position and situation.
3. My daycare costs are changing due to COVID-19. Can I change my dependent care flexible benefits amount?
 - a. If you have a change in provider or change in cost of care, these are qualifying events to stop or reduce your dependent care amount. Contact Human Resources and they can provide you with a Flexible Benefits Account Change Form.
4. What if I have already used FMLA this year, do I get another 12 weeks under the FFRCA?
 - a. No. Employees are eligible for a total of 12 weeks of FMLA. If you have already used all or part of your FMLA time for your own serious health condition, then your Emergency FMLA under the FFRCA would be reduced by that amount. The new paid FMLA leave entitlement is for one reason only—to care for a child whose school or place of care is closed or whose caregiver is unavailable due to COVID-19-related issues.

Self-Care

1. I am experiencing stress about this situation; whom can I speak to?
 - a. Our Employee Assistance Program (EAP) is available through The Village. Information can be found by clicking here: <http://villageeap.com>. All MSU benefited employees and members of their household are able to seek assistance through The Village EAP.

The Village EAP is a confidential, independent counseling program that offers professional guidance in a variety of areas, such as: relationship issues, emotional health issues, drug and alcohol issues, workplace issues, crisis counseling, financial issues, legal issues, and wellness. Services are available 24/7, 365 days a year, with nationwide accessibility. There is no cost to your household, within certain limits.

2. One of my coworkers appears to be showing flu like symptoms. What should I do?
 - a. Talk to your supervisor or manager. Employees who are sick should not be at work until symptoms resolve, and they should seek medical assistance, as appropriate.

OTHER

1. Who could I contact if I have a continued concern or question not addressed by my supervisor?
 - a. Contact your respective Cabinet member, Human Resources, or you may file a formal grievance with the NDUS office

SUPERVISORS

1. Can I ask an employee if he or she has the coronavirus?
 - a. Employers can ask an employee how he or she is feeling in general but should not inquire about a specific illness as that could rise to the level of a disability related inquiry under the ADA.
2. Can an employee be required to go home (or stay home) if they are sick?

- a. Yes, employees who show signs of respiratory illness can be asked to leave the workplace and stay at home until they are symptom free.
3. During a pandemic, may an ADA-covered employer ask employees *who do not have influenza symptoms* to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to influenza complications?
 - a. If an employee voluntarily discloses (without a disability-related inquiry) that he has a specific medical condition or disability that puts him or her at increased risk of COVID complications, the employer must keep this information confidential. The employer may ask him to describe the type of assistance he thinks will be needed (e.g. telework or leave for a medical appointment). Employers should not assume that all disabilities increase the risk of complications. Many disabilities do not increase this risk (e.g. vision or mobility disabilities).

If a pandemic becomes more severe or serious according to the assessment of local, state or federal public health officials, ADA-covered employers may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract COVID. Only in this circumstance may ADA-covered employers make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of complications.

This situation is constantly evolving. Mayville State will comply guidelines, directives, and executive orders given by the state of North Dakota, CDC, and federal entities.