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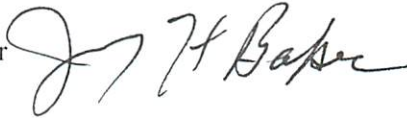
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Jimmy H. Baker
CHANCELLOR

MEMORANDUM #2020-EXE-038

DATE: April 29, 2020

TO: ACCS Presidents, Chief Financial Officers, and Human Resource Officers

FROM: Chancellor Jimmy H. Baker 

RE: Return-to-Work Guidelines Upon End of Spring Semester & Expiration of Paid Emergency Leave

Governor Ivey's Safer at Home Order, in effect from April 30 through May 15, 2020, directs Alabama Community Colleges to remain closed to in-person instruction.

Many college employees have been continuously working during this pandemic, some on campus and others by telework. We appreciate them wholeheartedly for their tireless efforts to maintain the essential operations of our colleges.

Return-to-Work

I am encouraging colleges to begin the process and planning for transitioning full-time employees who have been unable to work during the pandemic back to work. Specifically, my expectation is that colleges will direct full-time employees who have been unable to work during the public health emergency to return to work to perform their essential job duties, or other duties as assigned, *the day after the college's spring semester ends*. To the extent part-time employees are necessary for operations, they should also return to work. This determination is solely at the discretion of the college.

As we shift our focus to the Summer Term, colleges must continue to lead by example in safety and flexibility, and find creative ways for employees to maintain their standard levels of productivity during this unique and trying time, while also adhering to health and safety policies to minimize the spread of COVID-19. Colleges may provide alternative or flexible work schedules including productive teleworking (for those who can perform their essential job duties remotely), or working outside of normally scheduled work hours, when practicable. Supervisors should consider temporarily moving employees from their regular work-stations to provide greater distance between co-workers. Colleges should also have a system in place to keep track of

employees' work schedules and locations, so that if an employee becomes infected, employees who may have been exposed to the infected employee may be easily identified, notified, and quarantined if necessary.

Implement Health and Safety Policies

Consistent with guidance from the EEOC, employers are permitted to screen employees for COVID-19, so long as it is consistent with advice from the CDC and public health authorities, and so long as the information collected is kept confidential and not placed in an employee's personnel file. For example, Colleges may take an employee's temperature or ask questions about symptoms related to COVID-19, including fever, cough, shortness of breath, chills, new loss of smell or taste, muscle pain, headache, or sore throat.

Colleges should be prepared for a wide range of employee issues related to the extraordinary nature of COVID-19. A generalized fear of contracting the virus is not a valid justification for an employee to refuse to return to work. However, in keeping with CDC guidance, all employers must be receptive to issues such as mental health conditions that are exasperated by the pandemic, or preexisting medical conditions that are considered risk factors for COVID-19, because such conditions may trigger a need to provide a reasonable accommodation. In such cases, employers should engage in the typical ADA interactive process to understand the nature of the employee's condition and determine whether an accommodation should be provided.

All colleges should implement health and safety policies to minimize the spread of COVID-19, such as but not limited to:

- (1) Encouraging employees to wear face coverings in the workplace;
- (2) Encouraging employees to maintain physical distance from others in the workplace of at least 6 feet to the extent practicable, and when not practicable, requiring employees to wear face coverings;
- (3) Prohibiting gatherings or the assembly of more than 10 people in any one area;
- (4) Encouraging employees to stay home if they have a cough, fever, or other symptoms of illness and to contact their supervisor;
- (5) Encouraging employees to wash hands with soap and water often;
- (6) Reminding employees to avoid touching their nose, mouth, or eyes;
- (7) Implementing sanitation policies for campuses, particularly employee entrances and occupational areas.
- (8) Avoid having employees share work tools such as keyboards, telephones, or writing instruments.

Expiration of Paid Emergency Leave

The Governor's paid emergency leave period for employees who were not able to continue working expires on April 30, 2020. As Chancellor, I extended paid administrative leave to non-essential employees who have been unable to work or telework through the end of the college's spring semester. That paid administrative leave expires on the last day of the college's spring semester.

College employees who wish to be paid after that date are required to perform their essential job duties, unless:

- the employee qualifies for benefits under the FFCRA (2-week paid emergency sick leave or expanded FMLA for childcare unavailability), or
- the employee is qualified and is utilizing regular FMLA leave (with leave being taken concurrently), or
- the employee desires to take accrued leave available for COVID-related reasons, or
- if none of the other leave options are available or have been exhausted, the employee may be offered up to one month of consecutive unpaid leave for COVID-related reasons between May 4 and July 1, 2020. This offered unpaid leave must be taken sequentially, meaning once the employee returns to work, then the employee may not return to unpaid leave status, regardless of whether any time remains on the one month offering.

I appreciate the fine work the colleges have performed during this unprecedented period in history. If we are judicious, flexible and conduct business mindful of the best interests and safety of our employees and students, I am confident we will emerge from this period stronger than ever! Please direct questions regarding this guidance to Rachel Adams at rachel.adams@accs.edu.

JHB/lmt