Checklist for Faculty Return to Work Issues

The below guidance is for faculty management (such as deans and department chairs), to address scenarios during the fall 2020 semester where faculty identify mitigating factors that affect their ability or willingness to return to on-campus work. We also recommend providing an on-line training for managers (department chairs, and other decision-makers), with the ADA coordinator and the Office of the General Counsel.

1. Ask the faculty member, “What is the reason you cannot return to campus?” The answer given will inform the next step. If the employee is vague or unclear, it is OK to ask some limited follow-up questions (such as, “is the reason because of an underlying health condition?”), so that you can identify the reason why the faculty member cannot return.

   a. If the faculty member says, yes, it is a health condition, you can stop right there and tell the faculty member, “OK, you don’t need to give me any more information about your health condition. I will connect you with the ADA Coordinator, Kathryn Fernandez Lafrentz, who will follow up.” (See Scenario 2.b., below).

   b. If the employee says, it’s because of their age (65 plus) and COVID-19 risk factors, you can stop right there and tell the faculty member, “OK, you don’t need to give me any more information about your health conditions. I will connect you with the ADA Coordinator, Kathryn Fernandez Lafrentz, who will follow up.” (See Scenario 2.a., below).

2. Scenario-specific guidance:

   a. Faculty Age: According to the CDC, individuals aged 65 or older have a higher risk for COVID-19 infection.

      It is the faculty member’s responsibility to raise this issue with management. Managers should not approach older faculty and ask them if they are seeking job modifications because of their age if they have not asked.

      Faculty who fall into the high-risk category based on age may seek a COVID-19 Non-ADA Job Modifications.

      i. Whether a job modification is to be granted will be evaluated on a case by case basis, after the matter is first referred to ADA Coordinator, Kathryn Fernandez Lafrentz.

      ii. Contact Kathryn Fernandez Lafrentz (klafrentz@tulane.edu). Kathryn and her staff will continue the conversation regarding whether the employee is seeking
a job modification by asking, “How can I help you?”, and then following up on the response.

iii. Let the faculty member know that their request will be evaluated, and that you and/or the ADA coordinator will follow-up with the faculty member.

iv. In order to even be eligible to teach online for Fall 2020, the faculty member must complete the online teaching training [https://airtable.com/shrNQPva7hUzo4Bld](https://airtable.com/shrNQPva7hUzo4Bld) and work with CELT/ILC and other Instructional Designers to develop an online teaching protocol for their Fall classes. This online course protocol (not course content) will be evaluated and approved by Newcomb Tulane College and CELT.

v. Document your follow-up activity on the Manager’s Form. Work with the ADA coordinator, as needed.

b. **Underlying Health Condition, but Not Ill with COVID-19:** The CDC has stated that persons with certain health conditions are at higher risk for COVID-19. Those conditions include:

- HIV
- Asthma (moderate to severe)
- Chronic lung disease
- Diabetes
- Serious heart condition
- Chronic kidney disease being treated with dialysis
- Severe obesity
- Immunocompromised
- Pregnancy (while pregnant people seem to have the same risk as adults who are not pregnant, pregnancy can create changes that may increase the risk of some infections)

If the faculty member indicates that they have underlying health conditions, including the above, that prevent them from performing faculty duties (teaching, service, etc.) in person on campus or necessitates a job modification:

i. This raises possible concerns under the Americans with Disabilities Act (and possibly, the Family Medical Leave Act and Louisiana’s worker’s compensation statute).

ii. Faculty who fall into the CDC health factor high-risk category may seek a COVID-19 ADA Accommodation. Contact Kathryn Fernandez Lafrentz (klafrentz@tulane.edu). Review information on the ADA/504 Coordinator web
site, for further information regarding Tulane's process for accommodating disabilities. ([https://hr.tulane.edu/disability-accommodations](https://hr.tulane.edu/disability-accommodations)). Kathryn and her staff will continue the conversation regarding whether the employee is seeking a workplace accommodation due to a disability, by asking, “How can I help you?”, and then following up on the response.

iii. Let the faculty member know that their request will be evaluated, and that you and/or the ADA coordinator will follow-up with the faculty member.

iv. Recommend that faculty seek support from CELT and the ILC and take the online teaching training course: [https://airtable.com/shrNQPva7hUzo4BId](https://airtable.com/shrNQPva7hUzo4BId). In order to teach online for Fall 2020, the faculty member must complete the online teaching training and work with CELT/ILC and other Instructional Designers to develop an online teaching protocol for their Fall classes. This online course protocol (not course content) will be evaluated and approved by Newcomb Tulane College and CELT.

v. Do NOT:
   1. ask the faculty member what their health condition is. (for example, don’t ask “what’s wrong with you?” or “tell me more about your health condition” etc.)
   2. ask the faculty member for their medical documentation.
   3. discuss the faculty member’s disclosed health condition or request for accommodation with the faculty member’s colleagues.
   4. immediately say “NO!” or reject a faculty member’s request for accommodation. Instead, let the faculty member know that their request will be evaluated, and that you or the ADA coordinator will follow-up.

vi. Document your follow-up activity on the Manager’s Form. Work with the ADA coordinator, as needed.

c. **Self-Quarantine for COVID-19:** For a faculty member who is self-quarantined due to possible exposure:

   i. Faculty member should be instructed to stay home / refrain from returning to campus until further notice.

   ii. Notify HR and Campus Health for follow up and assessment

   iii. Evaluate whether short term online teaching is possible, and whether other faculty responsibilities can be performed remotely. If so, ask the faculty member “are you able to pivot your class to teach fully online?”
1. Inform the Dean’s Office
2. If the faculty member is not able to teach online, then send the completed manager’s form to the HR Business partner (so that Tulane can send required FMLA notice of rights and options paperwork).
   a. Department chairs/managers and deans need to make arrangements to cover their colleague’s teaching responsibilities (as they would under non-COVID-19 circumstances).
3. If the faculty member can continue to teach, facilitate that process if necessary. Given the pre-existing need to develop hybrid delivery options for all courses for Fall 2020, the faculty member should be ready to pivot to online teaching and should have sought support from CELT and the ILC and taken the online teaching training course: https://airtable.com/shrNQPva7hUzo4BId)
   a. Tell the faculty member the decision, and that:
      i. Fully online teaching is a temporary arrangement, until the end of their medically recommended quarantine period (at which point they will be expected to pivot back to a hybrid and/or in-person teaching model).
      ii. Indefinite remote course delivery is not approved.
      iii. Physical presence on campus to teach is a requirement of the job.
      iv. Let the faculty member know that may be asked by their HR Business Partner to submit documentation regarding their ability to return to work.
   iv. Ask the faculty member when their quarantine period is scheduled to end.
      1. Follow up with the faculty member close to the last day/end of the quarantine period and inquire when they plan to return to regular on campus teaching duties (assuming they are not ill).
      2. Document resolution on “Manager’s Form”.

d. Currently Positive with COVID-19:
   i. Faculty member should be instructed to stay home / refrain from returning to campus until further notice.
   ii. Notify HR and Campus Health for follow up on positive testing data and contact tracing.
   iii. Depending on the severity of the symptoms, the faculty member may or may not be able to teach online. For example, a person may be positive but asymptomatic. Accordingly, you should evaluate whether short term online
teaching is possible, and if so, ask the faculty member, “are you able to pivot your class to teach fully online?”

1. Inform the Dean’s Office
2. If the employee is not able to teach (or similarly, engage in service or research) remotely, then send the completed manager’s form to the HR Business partner (so that Tulane can send required FMLA notice of rights and options paperwork).
   a. Department chairs/managers and deans make arrangements to cover their colleague’s teaching responsibilities (as they would under non-COVID-19 circumstances).
3. If the faculty member can fulfill their faculty responsibilities remotely, facilitate that process. This may involve short-term pivoting of classes to remote instruction and/or activation of full online protocols for instruction. Given the pre-existing need to develop hybrid delivery options for all courses for Fall 2020, the faculty member should be ready to pivot to online teaching and should have sought support from CELT and the ILC and taken the online teaching training course: https://airtable.com/shrNQPva7hUzo4BId
   a. Tell the faculty member the decision, and that:
      i. Fully online teaching is a temporary arrangement, until the end of their quarantine period or their recovery is complete (at which point they will be expected to return to their prior work modality).
      ii. Indefinite remote course delivery is not approved.
      iii. Physical presence on campus to teach is a requirement of the job.
      iv. Let the faculty member know that may be asked by their HR Business Partner to submit documentation regarding their ability to return to work.
   iv. Keep in weekly contact with the faculty member to determine if a change in circumstances is needed. For example, the faculty member may become more ill and no longer able to teach online or oversee their courses. Or, the faculty member may recover completely within a certain time period and be ready to return to campus and regular teaching duties.
   v. Document follow up and resolution on “Manager’s Form”.

e. Childcare / Eldercare: For a faculty member who says they cannot return to campus because they must care for a child or parent (i.e., for non-FMLA covered reasons, such as the child’s school is closed):
i. In order to teach online for Fall 2020, the faculty member must complete the online teaching training ([https://airtable.com/shrNQPva7hUzo4BId](https://airtable.com/shrNQPva7hUzo4BId)) and work with CELT/ILC and other Instructional Designers to develop an online teaching protocol for their Fall classes. This online course protocol (not course content) will be evaluated and approved by Newcomb Tulane College and CELT.

ii. The presumption is that these would be temporary arrangements and that as soon as feasible, the classes taught by the faculty member would revert to a hybrid and/or in person mode.

iii. Coordinate with the Dean’s office regarding the request and the proposed response/resolution for the employee.

   1. Obtain decision from the Dean (with the collaboration of the Provost’s Office), and document on the Manager’s Form.

iv. Tell the faculty member the decision, and that:

   1. If approved, fully online teaching is a temporary arrangement.
   2. Indefinite remote course delivery is not approved.
   3. For faculty, physical presence on campus to teach is a requirement of the job.

v. Follow-up with faculty member, regularly (at least every week) regarding status and their ability to return to normal practices

f. **Transportation:** For a faculty member who says they are unwilling to return to campus because they have transportation concerns (such as needing to take public transportation – bus or streetcar).

i. In order to teach online for Fall 2020, the faculty member must complete the online teaching training ([https://airtable.com/shrNQPva7hUzo4BId](https://airtable.com/shrNQPva7hUzo4BId)) and work with CELT/ILC and other Instructional Designers to develop an online teaching protocol for their Fall classes. This online course protocol (not course content) will be evaluated and approved by Newcomb Tulane College and CELT.

ii. The presumption is that these would be temporary arrangements and that as soon as feasible, the classes taught by the faculty member would revert to a hybrid or in-person mode.

iii. Coordinate with the Dean’s office regarding the request and the proposed response/resolution for the employee.

   1. Obtain a decision from the Dean (with the collaboration of the Provost’s Office) and document on the Manager’s Form.
iv. Tell the faculty member the decision, and that:
   1. If approved, fully online teaching is a temporary arrangement.
   2. Indefinite remote course delivery is not approved.
   3. For Faculty, physical presence on campus to teach is a requirement of the job.

v. Follow-up with faculty member, regularly (at least every week) regarding status and their ability to return to normal practices

g. Caring for an Ill Family Member:
   i. This raises possible concerns under the Family Medical Leave Act.
   ii. Communicate with your HR Business Partner and your Dean’s office regarding next steps.

h. Faculty member Called up for “Reserve” Duty:
   i. Do not call the faculty member back to work until military leave ends.
   ii. Communicate with your HR Business Partner and your Dean’s office regarding next steps.

i. Faculty member Currently Out on Worker’s Comp, FMLA, or Other Leave:
   i. Do not call the faculty member back to work until the end of the leave.
   ii. Communicate with your HR Business Partner regarding next steps.

j. General Reluctance (Unspecified): For a faculty member who says they are reluctant to return unrelated to any of the categories, above.
   i. Review safety precautions being put in place with the faculty member.
   ii. Ask the faculty member for their input, and “beyond the safety precautions already implemented what would you need to feel comfortable in your workspace (classroom, office, etc.)?”
      1. For example, it may be the case that the faculty member is asking for some feasible job or work-space modifications that could be implemented.
      2. Consult with available Tulane resources, such as Campus Services (i.e., “Facilities”, the registrar’s office, IT, etc.).
3. Consult with the Dean's office (in collaboration with the Provost's Office) regarding the request for modifications, if any, and the proposed response/resolution.

4. If a job modification is not feasible, in order to even be eligible to teach online for Fall 2020, the faculty member must complete the online teaching training (https://airtable.com/shrNQPva7hUzo4B1d) and work with CELT/ILC and other Instructional Designers to develop an online teaching protocol for their Fall classes. This online course protocol (not course content) will be evaluated and approved by Newcomb Tulane College and CELT.

5. Obtain a decision from the Dean (with the collaboration of the Provost's Office), and document on the Manager’s Form.

6. Tell the faculty member the decision regarding their request to teach online and that:
   a. If approved, teaching online is a temporary arrangement.
   b. Indefinite teaching online is not approved.
   c. For Faculty, physical presence on campus to teach is a requirement of the job.

3. **Complete the Manager’s Form, documenting the conversation and actions taken. You can download the form HERE.**