



Guidance for when employees do not wish to return to work due to COVID-19

Supervisor Guidance

1. Employee refuses to return to work (ex. Doesn't agree with lack of mask mandate or vaccine requirement).

- Supervisor meets with the employee to determine why they are hesitant to, or refusing to, return to work. The supervisor can start the conversation with, “We are operating a safe workplace in accordance with state and local safety and health guidelines. There currently is no recognized health or safety hazard in our workplace. Help me understand your concern.”
- If the employee has medical concern(s) related to their own health condition(s), the supervisor should consult with unit HR regarding possible family and medical leave ([FMLA](#)) or unpaid leave of absence options. The employee can also be referred to consult with [the Disability Resource Center \(DRC\)](#) directly. If the employee is not entitled to FMLA or unpaid leave of absence, the supervisor and unit HR need to work with DRC to determine whether accommodation is needed/required under the Americans with Disability Act (ADA).
- If the employee is not eligible for FMLA, unpaid leave of absence, or accommodation under ADA, discuss with the employee whether it's possible to modify their work schedule or workstation to limit contact with others or discuss other possible options to address concern(s). Unless there is a legitimate business rationale necessitating the employee working onsite, the supervisor should try to address concern(s) with some degree of flexibility. If the employee's job absolutely needs to be done onsite, and all efforts to work with the employee to come up with a suitable arrangement to address their concerns fail, the supervisor should consult with unit HR regarding next steps.

2. Employee is a caregiver and is requesting accommodation to work remotely.

- The supervisor should consult with unit HR regarding possible [FMLA](#) or unpaid leave of absence options.
- If the employee is not eligible for FMLA or unpaid leave of absence (or isn't interested in unpaid leave options), the supervisor and the employee should attempt to find ways to address the employee's concerns, ex. offer N95 masks or other

appropriate PPE, modified workstation to maintain social distancing, flexible schedule arrangement, etc.

- If the supervisor is unable to address the employee's concerns, consult with unit HR regarding next steps.

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