



Eastern Kentucky University Policy and Regulation Library

1.5.3

Volume 1, Governance

Chapter 5, Governance

Section 3, University State of Emergency

Approval Authority: Board of Regents

Responsible Executive: President

Responsible Office(s): Public Safety and University
Counsel

Issued: March 19, 2020

Effective: September 10, 2020

Next Review Date: September 2023

University State of Emergency

Statement

The University recognizes the need to prepare for the management of unexpected events affecting University operations, public health, or the well-being and safety of people on campus, including but not limited to severe weather, a natural or human-caused disaster, the outbreak of pandemic illnesses, and/or any other unforeseen circumstances, including instances requiring alteration or suspension of services and/or closure of operations. The policy provides information to leaders, supervisors, and employees related to human resource practices in the event of a declared University State of Emergency. The ongoing delivery of routine compensation and benefits is a priority.

Entities Affected

University Community

Procedures

A University State of Emergency shall be automatically triggered by a declaration of a “State of Emergency” issued by the Governor of Kentucky or other local officials, relating to a health or safety emergency impacting the University campus or service area. Additionally, the President may declare a University State of Emergency due to an event (or series of events) that has occurred or may be imminent, when such event, in the sole discretion of the president, may negatively and materially affect the University operations, public health, or the well-being and safety of students, faculty, staff, and visitors including but not limited to severe weather, a natural or human-caused disaster, the outbreak of pandemic illnesses, and/or any other unforeseen circumstances, including instances requiring alteration or suspension of services and/or closure of operations. The declaration of a University State of Emergency may cover any or all the campuses of the University. This policy addresses the implications of a declared

University State of Emergency, including the recovery period following a University State of Emergency in which portions of this policy would remain in effect.

The University will use information provided by local, state, and federal agencies and subject matter experts in making decisions related to the preparation, response, and recovery from such events.

The University State of Emergency shall cease at the earliest possible opportunity, with sunset reviews occurring every twelve months.

I. In Anticipation of a University State of Emergency

- University Communications and Brand Management staff and other designated University officials will communicate broadly and often on behalf of the University throughout any emergency situation.
- Unless directed otherwise, individuals who are able to work are expected to report for work.
- If it pertains to the University State of Emergency, the Division of Public Safety is responsible for communicating guidelines and responding to questions related to the prevention and handling of exposure in the workplace related to public health crises and pandemics. The guidelines will be developed with the advice of local, state and federal authorities and subject matter experts, and will be updated as the situation evolves.
- Only employees and officials with the requisite training and responsibilities will be asked to perform safety-sensitive functions. Depending on availability of personnel, training for new employees may or may not be available.

II. Declaration of a University State of Emergency

The President shall have the unilateral authority, in consultation with the Chair of the Board of Regents, President's Council, and other identified administrators, to make a declaration of a University State of Emergency.

When a University State of Emergency is declared, the Office of University Counsel may, in conjunction with the President, President's Counsel, and Chair of the Board of Regents, develop and implement University policies responsive to the nature of the emergency. These policies shall be reviewed and vetted following the policy development process outlined in University Policy 1.1.1P, Policy on Policies, when the University State of Emergency is lifted. Such review and vetting shall include the stakeholders set forth in 1.1.1P.

III. During a Declared University State of Emergency

- Human Resources shall be responsible for communicating guidelines and procedures that will apply to Employees' University-provided benefits, duties, and status during a University State of Emergency during the University State of Emergency.
- Unless directed otherwise, Employees who are able to work are expected to report for work, either physically or remotely.
- University Departments are encouraged to be as flexible as possible to enable all faculty, staff and students to work remotely, have flexible schedules, etc., but are still responsible for maintaining accountability and carrying out University Department responsibilities and duties.
- Employees may be assigned alternate duties to support the University in whatever capacity is needed.
- The duties and status of all Student Employees, including Graduate Assistants, shall be addressed by Human Resources for the duration of the University State of Emergency.
- The President or designee shall have the authority to further elevate the University State of Emergency to only requiring Designated Employees to report to work.
 - If such a designation is made, only Designated Employees must report for work. Designated Employees shall be identified when the University State of Emergency is declared. Designated Employees may be directed to work remotely but must report as instructed.
 - If such a designation is made, Non-Designated Employees are not required report to the workplace unless requested by their supervisor with approval from the appropriate VP (see below). However, Non-Designated Employees shall maintain regular contact with their supervisors as instructed and may be required to perform duties remotely.
 - The same pay and healthcare benefits for all employees will continue throughout a University State of Emergency as if employees were working a regular schedule. Adjustments to compensation and to leave balances may be made following the University State of Emergency as required by circumstances. Healthcare benefits shall not be discontinued during a University State of Emergency.
 - Supervisors are responsible for tracking the time of their employees throughout the University State of Emergency in order to make the proper adjustments to leave balances, if necessary, after the University State of Emergency has ended and all employees return to work as usual.
 - Employees should follow procedures outlined by the University and their departments or unit for maintaining communication and direction about assignments.
 - Departments that identify a need for Non-Designated Employees may offer alternative work arrangements, such as working from home or another work location. Supervisors may provide resources, as available, to allow Non-Designated Employees to continue performing their job duties to the extent possible, including available technology resources. The University will not reimburse any personal costs incurred for Non-Designated Employees working remotely, including, but not limited to, any

use of personal technology devices (phones, computers, printers, etc.) and utility costs (electricity, internet, etc.).

A. Conflicting University Policies and Deadlines

Declaration of a University State of Emergency shall suspend all deadlines established by University Policies. This Policy, and all decisions made under its authority, shall supersede any conflicting University Policy or procedures.

B. Paid and Unpaid Leave during a University State of Emergency

During a University State of Emergency, the University may continue to provide pay and benefits to all employees as if they were working their normal work schedules, even though alternative schedules or duties may be being performed. This status will continue until the University State of Emergency is lifted. The President has the authority to grant additional paid time to assist employees, particularly those Non-Designated Employees that do not have the ability to work remotely.

Supervisors are responsible for tracking workloads and projects, hours worked, hours assigned to various leaves, and any related expenses throughout the University State of Emergency. These will be utilized to adjust payroll records and leave balances following the University State of Emergency. Employees will be required to report, as instructed, on their attendance status throughout the University State of Emergency.

IV. Following a Declared University State of Emergency

The President shall determine whether policy provisions that apply to Employees prior to and during a University State of Emergency will remain in effect during the recovery period that follows and will communicate broadly those provisions to the University community in a timely manner.

Once a University State of Emergency is lifted, the President shall deliver a debriefing at the next regularly scheduled Board of Regents meeting, a copy of which shall be included in the official minutes.

Definitions

- **Department:** The organizational group with which an employee is identified; a department or division within a college or an administrative unit. University research and outreach centers are considered departments for the purposes of this policy.
- **Employee(s):** Faculty, staff or student employee. Graduate assistants are also included in this category.

- **Designated Employee:** An employee who has been designated as vital to the operations of the University, whose presence is required regardless of the existence of an emergency condition, and whose absence from duty could endanger the safety and well-being of the campus population and/or physical plant. Designated employees may be identified on a situational basis, e.g., in the event of a severe weather emergency only or in the event of a public health crisis. Designated Employees must be notified of their status as Designated and the location from which they can perform their duties on an annual basis.
- **Non-Designated Employee:** An employee who has not been identified as Designated Employee during a University State of Emergency. Designations can be changed at any time. Non-Designated Employees are required to work remotely to the extent possible during the University State of Emergency and must remain in regular contact with their supervisor.
- **Student Employee:** Non-exempt graduate and professional students, including Graduate Assistants, and all undergraduate students who work for the University.
- **University State of Emergency:** A University State of Emergency is in effect when the University president, or delegate, declares such a state. The University State of Emergency may be campus specific, restricted to particular areas of any campus, or may be campus or University-wide, depending on the circumstances at the time. During a University State of Emergency, special procedures will guide the utilization of paid and unpaid leave time in order to continue compensation and benefits throughout the period of emergency. The University State of Emergency shall cease at the earliest possible opportunity.

Responsibilities

President

- Determines the University's appropriate course of action in managing high rates of absenteeism due to unexpected catastrophic event.
- Declares a University State of Emergency when appropriate.
- Communicates regularly and repetitively to the campus and neighboring communities about the emergency status.

President's Council

- Facilitates communications and policy decisions where necessary.

Division of Public Safety

- Advises and consults on issues related to workplace exposure.

Office of Human Resources

- Provides resources and tools for units to track employee payroll status throughout the University State of Emergency.
- Provides guidelines and consultation on human resource policies and issues such as compensation, flexible scheduling, assignment of work, benefits, telecommuting, job sharing, etc.
- Communicates changes to standard processes and procedures.
- Determines continuation of leave programs based on the conditions of the emergency.

Chair of Department (Unit Supervisor)

- Determines essential positions and their back-ups. Discusses designations with impacted employees and communicates to employees annually.
- Maintains confidentiality of emergency contact information to the extent allowed by law.
- Provides employees, supervisors, and leaders with regular, repetitive updates using a variety of communication mechanisms.
- Plans for and provides flexible work arrangements in response to a variety of disturbances and individual needs.
- Communicates work expectations to faculty, staff, graduate assistants, and student employees regularly and repetitively.
- Implements directives.

Employee

- Provides department with current emergency contact information, and updates it on an on-going basis.
- Discusses alternative work arrangements such as working from home or another location in case of a University State of Emergency with their supervisor.
- Contacts department to determine need to report for work.
- If approved by the department, reports for work when able and appropriate, whether on campus, at home, or at another location.
- If unable to report to work, updates department of condition or whereabouts as soon as possible.
- Communicates specific requests and needs to department.

Violations of the Policy

Failure to comply (i.e., failure to continue to work as directed) may lead to the full range of available University sanctions applicable including suspension, dismissal, termination, and where applicable, exclusion from University Property.

Interpreting Authority

President's Council

Policy Adoption Review and Approval

Policy Issued

Date

September 10, 2020

March 19, 2020

Entity

Board of Regents

Interim President McFaddin

Action

Adopted

Approved as Interim