

## High Risk Consideration Process FAQ

Updated 1/11/2021

**Q1.** Why was the High-Risk Consideration process implemented?

**A1.** Current UNC System safety guidance states, appropriately, that while implementing a phased return to on-campus work, special consideration will be given to employees with underlying health conditions defined by the [Centers for Disease Control and Prevention](#) (CDC) as placing them at high risk for serious complications associated with COVID-19. To ensure the protection of confidential personal health information, to comply with requirements of the Americans with Disabilities Act (ADA), and to ensure equitable and consistent consideration for all high-risk employees, Appalachian State University implemented a centralized process for review of high-risk factors and other individual circumstances that may impact employees' ability to return to on-campus work or to comply with workplace safety requirements.

The process is intended to ensure that employees with high-risk health conditions are provided with accommodations or flexibility necessary to ensure their safety. It is also intended to provide employees who may not have high-risk health conditions, but who have other personal circumstances affecting their ability to return to on-campus work, the opportunity to have their concerns reviewed.

**Q2.** Why was the process implemented in the Office of Human Resources?

**A2.** UNC System guidance provides that each institution will designate specific points of contact who can address employee matters related to COVID-19 and that confidential health information should not be addressed or handled directly by individual supervisors or departmental personnel, nor should these personnel be tasked with making assessments of employee medical information or physician notes. In addition, the ADA explicitly requires that all employee health information be kept confidential and maintained in a secure location separate from the employee's personnel file. Since these requests for consideration involve discussions of health conditions, including conditions that may constitute disabilities under the ADA, it was essential to house the process in a department with established procedures for receiving and protecting employee health information. The process is managed jointly by the Office of Human Resources, the Office of Disability Resources and the Department of Environmental Health and Safety, to ensure that all appropriate consideration is provided to protect each individual.

**Q3.** What is the University's legal authority to ask employees to report personal health conditions and potentially request verification from a healthcare provider?

**A3.** Under the ADA, employers are permitted to make disability-related health inquiries for purposes of evaluating whether an employee has a health condition that qualifies as a disability and whether a reasonable workplace accommodation is necessary to allow the employee to perform the essential functions of their job. Guidance issued by the Federal Equal Employment Opportunity Commission (EEOC), specifically related to medical conditions that the CDC says may put employees at higher risk for severe illness from COVID-19, states:

An employee – or a third party, such as an employee's doctor – must let the employer know that she needs a change for a reason related to a medical condition (here, the underlying

condition). Individuals may request accommodation in conversation or in writing. While the employee (or third party) does not need to use the term “reasonable accommodation” or reference the ADA, she may do so.

The employee or her representative should communicate that she has a medical condition that necessitates a change to meet a medical need. After receiving a request, the employer may ask questions or seek medical documentation to help decide if the individual has a disability and if there is a reasonable accommodation, barring undue hardship, that can be provided.

**Q4.** Am I required to complete the High-Risk Form if I have a high-risk health condition?

**A4.** No. You are only required to complete the form if you are being asked to work on campus and choose to request a workplace accommodation or flexibility due to a high-risk health condition, your close association with someone who has a high-risk health condition, other personal circumstance affecting your ability to return to on-campus work, or concerns about complying with workplace safety requirements while at work due to COVID-19.

**Q5.** Is there a deadline for submitting a request for consideration?

**A5.** There is no specific deadline for submitting a request, as university employees will be returned to work in a phased approach as dictated by on-campus business need.

**Q6.** Why aren't these requests being submitted through a secure health care portal?

**A6.** A health portal is typically a system used by healthcare organizations to maintain and provide patient access to medical records. Our high-risk assessment process does not involve medical records but the voluntary self-reporting of a health condition to an appropriate university office through a secure web form.

**Q7.** If I submit a request, will my healthcare provider be contacted and, if so, will they be asked to provide medical records?

**A7.** No. Your healthcare provider will never be contacted without your explicit written authorization and only if determined necessary to ensure appropriate accommodation/consideration. If contacted, with your authorization, your healthcare provider would only be asked to verify your diagnosed health condition, as is commonly done in response to requests for medical leaves of absence and requests for ADA reasonable accommodations. Verifications from healthcare providers are sent directly to the Office of Human Resources and are maintained confidentially in that office.

**Q8.** Who will review my request and will I be informed of who is reviewing it?

**A8.** All requests are reviewed jointly by appropriate representatives of the Office of Human Resource, the ADA/504 Coordinator/Director of the Office of Disability Resources and the Director of the Department of Environmental Health and Safety to determine the who is most appropriate to respond on a case-by-case basis.

You will be contacted by one of those individuals, depending upon the nature of your request.

**Q9.** Will the Office of Human Resources determine whether I am required to teach in the classroom or am allowed to teach online?

**A9.** No. The role of this process is to assess requests, document high-risk conditions requiring special consideration, engage supervisors and employees in discussions, and make recommendations for solutions that ensure employee safety, on a case-by-case basis. The University may be required to make specific accommodations in cases determined to involve ADA disabilities and, generally, documented high-risk health conditions will be accommodated in some manner, as necessary to ensure safety. Other concerns, unrelated to high-risk health conditions, will be evaluated by departments, evaluated against business need and accommodated when not in conflict with business need.

Ultimately, determinations for faculty are made jointly through conversations between the review committee, the department chair and the faculty member. Deans and/or the Vice Provost for Faculty Affairs may be consulted, as necessary to assist in arriving at a fully interactive and joint determination. The final decision will result from this interactive process, unless an accommodation is prescribed as a reasonable accommodation under the ADA.

**Q10.** After I submit a request, how long will it take for me to receive a response?

**A10.** This may vary from case to case, depending upon the nature of the request and volume of requests submitted. Our intention is to be as timely and responsive as possible.

**Q11.** If I was approved for a workplace consideration for Fall semester, do I need to resubmit a new request for Spring?

**A11.** Approved considerations for Fall based on health conditions that are permanent or unlikely to change have been automatically extended into 2021 for qualifying staff and faculty. If you were provided consideration in the Fall and have not been notified that the consideration has been extended, you may need to complete a new request for consideration for Spring. Contact the Office of Human Resources if you are unsure.