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**GUIDELINES FOR MANAGERS AND HUMAN RESOURCES PROFESSIONALS****Enforcing Requirements to Practice Social/Physical Distancing and  
to Wear Face Coverings in the Workplace**

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**KEY POINTS:**

- We require all faculty and staff to comply with workplace safety requirements.
  - If employees willfully or accidentally fail to comply, then they are asked to immediately comply. If they refuse, they must temporarily leave the workplace pending any further discussion with management.
  - If there is a medical reason employees can't wear a face covering, then they may request an exception or accommodation, which generally would be a remote work assignment.
  - If remote work can't be accommodated and there is continued non-compliance, then leave with or without pay may be allowed depending on available leave.
  - If there is willful refusal to comply and remote work or leave with or without pay is not feasible given operational need, then disciplinary or other administrative action is pursued.
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**1. Steps to Take in Advance of Employees Returning On-site**

- Review all written communication on return-to-work requirements.
- One to two weeks in advance of employees' expected return on-site date, ensure that employees review and understand compliance requirements, complete any advance training requirements, and review the Return-to-Work Checklist prior to returning on-site as well as complete required Daily Self-Assessments upon their return.
- Clarify expectations for social/physical distancing on-site, wearing a face covering anytime they are working in or passing through a common area, and covering the nose and mouth completely when wearing a face covering.
- Ask employees if they will comply with these expectations and ask if they have any questions. If they ask about requesting an exception to the face covering requirement, point them to the [Request for COVID-19 Related Consideration Regarding On-Site Work](#).

**2. Managing Improper Social/Physical Distancing and/or Face Covering Non-Compliance**

- Remind the employee of the expectations to practice social/physical distancing and/or to wear a face covering appropriately when working in or passing through a common area. Remind the employee of the process to request an exception to the face covering requirement. Give the employee a face covering if they don't have one available, and make sure that they put it on. Follow-up with an email to the employee to recap your conversation and expectations.
- If you must remind the employee more than once, advise the employee diplomatically that if you have to keep reminding them, you may have to go down a corrective action path. Follow-up with an email to the employee to recap your conversation and expectations.
- If the employee continues not to practice social/physical distancing and/or wear a face covering, consult with Human Resources to discuss disciplinary/administrative action.

**3. Managing Refusal to Wear Face Coverings Properly and/or Consistently**

- Have an interactive discussion to understand the employee's concerns or objections to wearing a face covering. Alleviate the employee's concerns or objections if possible. Reiterate that, absent approval of an exception to the face covering requirement, all employees are required to wear a face covering when working in or passing through common areas. If applicable, point them to the [Request for COVID-19 Related Consideration Regarding On-Site Work](#).
- Determine if teleworking is a viable option (short-term or long-term), and if so, provide the employee with the Flexible Work Arrangements policy and Flexible Work Arrangement Request Form.
- If teleworking is not a viable option, explain that the employee cannot remain in the workplace if they do not comply with on-site requirements, and if they do not wear a face covering as required, you will have no choice but to take disciplinary or administrative action.
- If the employee still refuses to wear a face covering as required, allow the employee to telework (if feasible) for a few days or to request leave through the regular leave process to think about how they will choose to proceed. Send the employee an email summary of the conversation and the options that are available. This correspondence serves as a documented counseling session (DCS) for an SHRA employee.
- If the employee refuses to wear a face covering and refuses to leave the workplace and/or demonstrates other inappropriate conduct in the course of the conversation, send the employee home on investigatory/administrative leave with pay, contact Human Resources, and complete related documentation and notice (must be issued within two business days).
- For SHRA employees, prepare a Pre-Disciplinary Conference (PDC) Notice for unacceptable personal conduct. Hold the PDC meeting. Based on the specific circumstances of the situation and active disciplinary actions on file, issue the appropriate level of disciplinary action, up to including dismissal. If the employee is not dismissed and the behavior continues, repeat this step as needed.
- For EHRA NF employees, work with HR either to discontinue the employee's appointment or to take other appropriate administrative action.

**4. Managing Co-Worker Complaints of Non-Compliance**

- Tell employees that unless an employee has requested and received approval for an exception or accommodation, all employees are required to wear a face covering appropriately when working in or passing through a common area. All employees are expected to practice social/physical distancing.
- Tell employees that you will address the situation (if the employee is your direct report) or will notify Human Resources or the manager of the employee (if the employee is not your direct report).
- If the employee has an exception or accommodation, tell co-workers that although the employee has received approval not to wear a face covering, the employee is expected to consistently practice social/physical distancing and comply with other workplace safety requirements. Encourage employees to let you know if additional concerns arise.

**5. Managing Employee Concerns with Non-Compliance of Students**

- Explain that you will share their concerns through the appropriate channel based on the protocols for addressing student-related issues at your institution. If you do not know the appropriate channel, contact Human Resources for guidance. Human Resources may coordinate with the Dean of Students to establish protocols for complaints related to students.
- Share your institution's link to the compliance/ethics portal and/or the link to report student conduct or COVID-19 issues. Encourage employees to let you know if additional concerns arise.

**6. Guidance on Assertions that Refusal to Comply with Safety Requirements is Protected Speech**

The First Amendment protects freedom of speech, press, petition, assembly, and religion. Wearing a face covering is viewed as a means to prevent the spread of COVID-19 and therefore is a workplace safety requirement. It is not considered an expression of any particular message.