



Guidance re Older Employees and those with Underlying Serious Health Conditions at Higher Risk for Severe Illness from COVID-19

June 3, 2020

As USM institutions gradually return to offering on-campus instruction and conducting more on-campus research, continue providing in-person patient care and clinical training, and resume other on-campus operations, some employees who were previously required to telework or were granted administrative leave will be needed to return to their duties at their campus worksite. Mandatory telework for those employees whose duties are appropriate for telework will cease, although some employees will continue to be assigned to telework, at least on certain days, for some period of time.

As this transition occurs, all USM institutions are creating plans to minimize the risk to students, faculty, and staff of COVID-19 transmission. These detailed plans include deep cleaning of worksites, appropriate personal protective equipment for employees, physical alterations of some worksites and classrooms, and modified operations that will de-densify worksites, enforce social distancing where possible, and require individuals to wear masks indoors when others are present.

Despite these efforts, some individuals may be concerned about returning to their assigned worksite. The Centers for Disease Control and Prevention has identified certain conditions that may put individuals at higher risk for severe illness from COVID-19. These include older persons (65 and older) and persons with the following serious health conditions:

- Chronic lung disease or moderate to severe asthma
- Serious heart conditions, including heart failure, coronary artery disease, congenital heart disease, cardiomyopathies, and pulmonary hypertension,
- People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- Severe obesity (body mass index of 40 or higher)
- Diabetes

- Chronic kidney disease when undergoing dialysis
- Liver disease

Employees directed to return to the worksite who have one or more of the health conditions listed above, may be eligible to seek reasonable accommodations under the institution's Americans With Disabilities Act (ADA) procedures, if the condition meets the definition of "disability" under the procedures. Those who are 65 or older who do not have a health condition, and those whose health condition does not qualify as a "disability" under the ADA procedures, may follow a process similar to the institution's ADA procedures to seek some type of job modification.

Reasonable accommodations or job modifications will be discussed and may be offered to the employee. They may include a schedule change, work location change, additional precautions to minimize the employee's risk of infection, preapproved use of sick or advanced sick leave, or others. Under the ADA, an employee with a disability must be able to perform the essential functions of their job, and this standard will apply to all employees who seek accommodations or job modifications under this guidance, including those whose condition does not meet the definition of a "disability" under the ADA. However, such job modifications are temporary in nature, and will be regularly evaluated by the institution as business needs and health and safety standards change.

This Guidance supersedes any previous conflicting Guidance.