



The University of Texas at Austin
Human Resources

Manager Toolkit

Disciplinary Guidance and Coaching for Mask Compliance

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DISCIPLINARY GUIDANCE AND COACHING FOR MASK COMPLIANCE

As part of the university's ongoing COVID-19 mitigation efforts to maintain a healthy environment for all members of our campus community, the university directs all individuals age five (5) and older entering university-owned or controlled buildings and interior spaces to wear a cloth face covering.

Exceptions are permitted when any one (1) of the following scenarios apply:

1. Individuals are able to work in private work spaces
2. During reasonable break periods to consume food and beverages where social distancing is maintained
3. Where approved exceptions have been made by the Americans with Disabilities Act ("ADA") process
4. A religious observance consideration, or
5. Exceptions made by a Dean, Vice President, or their delegate.

This guide is intended to assist managers in achieving compliance with their employees using the principles of performance management in consultation with their department Human Resources office. As we acclimate to this directive, it is important to remain respectful when reminding an employee or contractor of the university's cloth face covering requirement; however, when there are repeated reports of non-compliance, a manager may pursue swift corrective action under [HOP 5-2420 Policies and Procedures for Discipline and Dismissal of Employees](#).

The following talking points are examples to assist managers in initiating coaching conversations.

TALKING POINTS

1. Manager/unit receives an initial report that an employee is not wearing their cloth face covering:

- a. Be respectful.** Listen and have empathy for the employee. Avoid yelling, arguing, demeaning, or insulting behavior. Have the conversation privately while still maintaining safety through social distancing.

"I know this is a new directive, and this is a significant change to how we do our work. A face covering can be uncomfortable, especially when the weather is hot, but it is for your safety as well as the safety of others."

- b. Do not make assumptions.** Consider there may be valid reasons to not wear a face covering. For example, a lack of awareness or understanding of the reasons behind the directive, forgetfulness, or medical reasons. Ask and listen to the reason the employee is not wearing a face covering so you can approach their concerns from a place of information and empathy.

"Is there a reason you are not wearing a face covering right now?"

- c. Be direct.** Make a clear statement that this is an important safety requirement, and it is an expectation that everyone adheres to this campus-wide directive. Let the employee know the expectation and consequences of not wearing a face covering.

"Even though this is a new directive, it is important for you to understand that violations of safety procedures are not acceptable, and I need your cooperation. If you do not wear a face covering, you will receive corrective action, and this could quickly lead to termination."

d. Be flexible. It is important to explore ways to make wearing a face covering more tolerable while performing job duties. Our first reaction might be to continue with the same schedule, same rules, and same business processes with the only difference being wearing a face covering. Other options should be considered, such as:

- Can the employee take shorter, more frequent breaks?
- Is there a space an employee can go to get a break from the face covering while still complying with the rules? A break area outside? Is there a vacant room in the building where an employee can sit alone, with the door closed for a period of time to cool down?
- Is there an opportunity to split work that requires wearing a face covering with other employees so that each employee gets a portion of the day to not wear one?

"Is there anything I can do to help make it easier for you to perform your work and comply with the directive?"

2. Manager receives repeated reports (i.e., one or more) that an employee is not wearing their cloth face covering:

a. Give the employee time to tell their side of the story.

"It's been brought to my attention that you continue to not wear a face covering inside university buildings, and I'd like to give you an opportunity to share your perspective on the information that was reported."

b. Gain commitment. Ask the employee to come up with action steps that will resolve the problem.

"Now that we've discussed the importance of immediate compliance with this directive, you need to develop a plan to remain compliant. Any further report of non-compliance, and you will be sent home for further corrective action that may lead to termination."

c. Separation action. If resolution is not achieved through discussion and the problem-solving strategies highlighted above, the manager may pursue separation in consultation with their department Human Resources Partner and central HR Strategic Workforce Solutions (SWS).

3. An employee is found not wearing their cloth face covering and refuses to put it on after direction to do so by their manager:

Be direct. Make a clear statement that refusal to put on their face covering while inside a university building is a violation of an important safety requirement, and it is an expectation that everyone adheres to this directive.

"Your refusal to put on your face covering is a violation of a safety directive, is not acceptable, and is also considered insubordination. You are being sent home for a decision-making day. I will follow up with you on next steps and will work with Human Resources. If your decision is not to wear a face covering while working inside university buildings, you are choosing to resign from your employment with the university. If you decide to return to work and are found in violation of not wearing a face covering again, we will proceed with separation."

Follow up with written documentation.

4. A contractor or volunteer is found not wearing their cloth face covering:

Be respectful and direct. University affiliated contractors and volunteers are subject to the university's face covering directive. Most individuals will comply when respectfully approached. Prominently displayed signage will assist with this coaching; however, if a contractor or volunteer refuses to put on a cloth face

covering when asked, advise them they need to leave the building and contact the contract owner or sponsoring department so they can assume management of the compliance expectation. If the individual does not leave the building as directed, do not escalate the situation or further engage the individual. If the individual is disruptive and/or presents a concern of violence, call UTPD for assistance.

5. A visitor is found not wearing a cloth face covering:

Be respectful and do not make assumptions. Non-university affiliated individuals are less likely to be aware of university requirements. Most individuals will comply when respectfully approached. Prominently displayed signage will assist with this coaching; however, if a visitor refuses to put on a cloth face covering, advise them they need to leave the building. If the individual does not leave the building as directed, do not escalate the situation or further engage the individual. If the individual is disruptive and/or presents a concern of violence, call UTPD for assistance.

ADDITIONAL RESOURCES AND TOOLS:

Medical Concerns with Wearing a Cloth Face Covering. If an employee shares that they are not wearing a face covering due to medical reasons, advise them that a face covering is required in interior spaces and whenever they are working near another employee and social distancing cannot be maintained. If they do not put on a face covering, send them home¹ and refer them to the [Americans with Disabilities Act \(ADA\) Accommodation Process](#). They may request a reasonable accommodation by completing the [Employee Accommodation Request form](#).

Religious Accommodation and Cloth Face Covering. If an employee shares that they are not wearing a face covering due to a sincerely held religious belief, advise them that a face covering is required in interior spaces and whenever they are working near another employee and social distancing cannot be maintained. If their religious observation prevents them from wearing a face covering, send them home² with instructions to follow the process for requesting a reasonable religious accommodation as outlined in [HOP 3-3012](#), Religious Accommodation for Applicants and Employees.

Lost, Soiled, or Forgotten Cloth Face Coverings. If the employee has lost, soiled, or forgotten their cloth face covering, provide the employee with a disposable face covering. Each building should have a small supply of surplus stock on-hand to allow the employee to continue working. Advise your employee that it is a best practice to “wear one, carry one” when it comes to face coverings to account for these types of situations.

Break and Meal Periods and Cloth Face Coverings. If an employee asks to break up their optional unpaid meal period to allow for more frequent breaks to remove their cloth face covering throughout their work shift, be mindful of wage and hour implications under the [Fair Labor Standards Act \(FLSA\)](#). Managers have the flexibility to break up an unpaid one (1) hour meal period into two (2) thirty (30) minute unpaid meal periods in accordance with their internal department guidelines; however, they may not break up an unpaid meal period to be less than thirty (30) minutes. This may result in the employee needing to receive compensation as hours worked since federal law considers short non-meal rest periods lasting between five (5) to twenty (20) minutes as compensable work hours, and the time is considered in determining if overtime was worked.

¹Employee should be paid regular work time for up to two (2) days to prepare their accommodation request and then use accrued leave while at home navigating the ADA accommodation process. If the employee does not have, or exhausts accrued leave, they will be in an unpaid time off status with the Family and Medical Leave Act (FMLA) running concurrently, if applicable.

²Employee should be paid regular work time for up to two (2) days to prepare their accommodation request and then use accrued leave while at home navigating the religious accommodation process. If the employee does not have, or exhausts accrued leave, they will be in an unpaid time off status.

Colleges, Schools and Units (CSU) may designate additional short non-meal rest periods as time worked to allow additional brief breaks throughout the work shift so employees may remove their cloth face coverings in a private, vacant office space, or outdoors for purposes of comfort and incidental needs, e.g., accepting a phone call, taking medication, eating a snack, etc. Managers should work with their department Human Resources Partner to review their break and meal plans.

SUMMARY:

In summary, the cloth face covering directive is a positive, health-related requirement intended to encourage enforcement via education, awareness, and a spirit of cooperation; however, if these methods are insufficient to achieve compliance, then corrective, disciplinary, and enforcement actions should be implemented.

QUESTIONS?

For more information about the university's COVID-19 plans, please visit protect.utexas.edu

For more information about the principles of [Performance Management Plus](#) and corrective actions, please contact your department Human Resources Partner. Central HR Strategic Workforce Solutions is also available for consultation at hrs.sws@austin.utexas.edu or 512-475-7200.