HR Forum

4.20.2021
Welcome
Meet our new AVP, HR
Digital Accessibility at Texas State
Culture of Health Training Overview
What’s New in ODC
Budget Update
Leave Updates Related to the Pandemic
Q&A & Wrap-up

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Carole Clerie
Fernando Rojas & Evan Pickrel
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Vanessa Salazar
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Heather Houston
Vanessa Salazar
Meet our new AVP, HR
Digital Accessibility at Texas State University

Fernando Rojas
ADA Coordinator
Institutional Compliance

Evan Pickrel
Electronic Information Resources Accessibility Coordinator
VP for Information Technology
Requirements

° **Title I:** Employment – Discrimination in the workplace in all aspects of employment. This includes applying, hiring, during employment and firing.

° **Workplace Accommodations:** ADA Coordinator

° **Self-Evaluation and Transition Plan:** ADA Coordinator in partnership with other departments

° **Title II:** Equal Access to programs and services. Affects all individuals on campus, including students. Student accommodations are typically handled via ODS. Students with disabilities must have equal access to academic goods and services.

Any accommodations or services for public events should be provided by the department putting on an event. The ADA Coordinator is available to assist as needed. A public events checklist is available upon request. We MUST provide interpreters/closed captioning upon request.
Requirements

**Web accessibility:** Evan will give us some more detail but suffice to say our digital content, from published materials on our websites to e-text books procured, to software used across campus must be compliant. This usually means compatibility with screen reading software such as JAWS.

**Facilities:** in coordination with Facilities, planning and design Texas state must maintain accessible physical environments and routes as best as possible. This presents challenges for our Hilly campus. Updates on projects involving physical spaces are typically provided at our 504/ADA Steering Committee.
Legal Implications

° 2010 – National Federation of the Blind v. Arizona Board of Regence - Accessible Tech

• Sued over the use of the Amazon Kindle DX. Plaintiffs complain that the Kindle DX is at present inaccessible to blind individuals because the menus and controls are displayed visually only, with no audio option. Although the Kindle DX can render the text of books audibly using text-to-speech ("TTS") technology, blind individuals cannot configure settings, select books, or even turn on the TTS feature because the menus and controls lack TTS.

• Result: From the end of the Spring 2010 semester through the Spring semester of 2012, ASU agreed that if it deploys any e-book reading device in a class, it will choose a device that meets the definition of accessibility in Paragraph 8 above, provided that such a device is commercially available, at a reasonable cost, and provided that the e-reader device meets the requirements of the class.

• "TFW you buy a ton of kindles that can’t be used."

° 2016 – Dudley V Miami University

• Sued under Title II for inaccessible classroom, programs and activities tech. Settled to pay 25K
Duke University systematically discriminates against blind students and alumni in violation of the Americans with Disabilities Act and the Rehabilitation Act, according to a lawsuit filed today. The action, brought by the National Federation of the Blind and Duke MBA Mary Fernandez, alleges that Duke failed to ensure that blind students can interact with digital content and platforms and access course materials—including hard-copy Braille materials and hard-copy tactile graphics when requested and appropriate—on an equal basis with students without disabilities.

According to the lawsuit, Plaintiff Mary Fernandez is a blind student who began the Duke Daytime MBA program in the fall of 2018. To read print, Ms. Fernandez uses screen access software, Job Access with Speech (“JAWS”), which vocalizes the text using synthesized speech or displays it on a connected device called a refreshable Braille display. For STEM subjects, Ms. Fernandez also uses hard-copy Braille and tactile graphics to better understand the complex concepts because refreshable Braille displays only display a single line of Braille cells at a time, and thus are not useful for complex equations, coordinate planes, diagrams, maps, and other graphics.
2020 – National Federation of the Blind v. Duke University | Accessible Systems and the need for alternative format

- Ms. Fernandez met with the Assistant Director of Student Life before she enrolled and was assured Duke would provide the accommodations she needed to have equal access to her education. From the start, however, Ms. Fernandez experienced barriers that permeated every aspect of her educational experience. When she applied for admission, she encountered an inaccessible web-based application. When she registered online for courses, she could not access the course descriptions. When she utilized the employer recruiting system, she could not set up her user profile and could not utilize any of the search functions. In addition, Duke failed to provide Ms. Fernandez with timely access to accessible course materials, including hard-copy Braille and tactile graphics when she requested them. As a result, Ms. Fernandez was continually forced to divert her time and attention away from her studies to advocate for equal access to her education.

- Miami University Settled in this case to make those systems accessible.
Title I of the ADA prohibits disability discrimination in the workplace. Although an employee who wishes to sue under the ADA may not go straight to court under Title I, they may file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or a similar state agency and get a right to sue letter. The agency may investigate, dismiss the claim, try to mediate a settlement with the employer, or decide to litigate on the complainant’s behalf.

- This means that private citizens cannot sue their state employers, such as state universities such as ours, unless the state has consented to such suits. Consent to suit is either usually a provision of the state’s constitution, part of a state statute, or a condition of receipt of federal money. This is a hazy issue in the courts.

- Even still, states are still obligated to comply with the ADA. The federal government is able to sue a state in federal court, which means the fed can sue state employers for money damages in federal court in order to enforce the ADA. Takeaway: better to be safe than sorry.

- Many of the cases surrounding Title I were originally not found in favor of complainants, such as the famous Sutton trilogy of cases. However, the decisions reached in these cases were ultimately overturned with the 2008 Amendments act. So, in sum, there is little to no excuse.
1. **An initial assessment** to determine if charges have merit.

2. **Voluntary mediation/Settlement**: in some cases, EEOC asks the charging party and employer to take part in EEOC’s mediation program. Participation is voluntary. Mediation is an informal, confidential process for resolving disputes by using an impartial third-party (the mediator) who meets with the employer and employee. The mediator has no decision-making authority, but rather tries to assist the parties to resolve their dispute. Participation in mediation does not constitute an admission of a violation of the law.

3. **Formal Investigation** should mediation not resolve the issue.

4. **Conciliation**: If EEOC does not find a violation of the law it sends the charging party a Dismissal and Notice-of-Right-to-Sue. If the charging party wants to pursue the case, he or she has 90 days from receipt of the notice to file a lawsuit in federal court.
   - If EEOC does find a violation, EEOC sends a Letter of Determination to both parties and invites the employer to seek resolution through an informal process called conciliation.

5. **Legal Action**: If the employer does not want to participate in conciliation or if conciliation is not successful, EEOC decides whether or not to file a lawsuit.
   - If EEOC decides not to file a lawsuit, the charging party gets a Notice-of-Right-to-Sue. Again, the charging party has 90 days to file a lawsuit in federal court.
If the charging party prevails, remedies may include:

- Hiring or reinstatement
- Promotion
- Back Pay / Front Pay
- Restored Benefits
- Reasonable Accommodation
- Attorney’s fees, expert witness fees
- Court costs
Current Trainings

- HR Essentials – Managing employees with disabilities
- Various trainings put on by ODS via SAP portal
- Developing more in partnership with HR and IT
Contact

Fernando Rojas | fcr7@txstate.edu | 512.408.1201
Applicable Laws and Policies

° The Americans with Disabilities Act of 1990
° Section 508 of the Rehabilitation Act of 1973
° Texas Administrative Code 206 – contains rules for web accessibility
° Texas Administrative Code 213 – contains rules for procuring accessible electronic resources
° University Policy and Procedure Statement 04.04.46 – Prohibition of Discrimination
° University Policy and Procedure Statement 04.01.06 – University Websites
° Web Content Accessibility Guidelines – 2.0 AA
State Agencies and Institutions of Higher Education in Texas are required to meet the 2.0 AA level of these guidelines.

- AA level includes level A guidelines, but not AAA guidelines.

- Referenced by Federal Law
  - Section 508 of the Rehabilitation Act of 1973

- Referenced by State Accessibility Rules
  - Texas Administrative Code 206 (TAC 206.70)
  - Texas Administrative Code 213 (TAC 213.38)
Division of Information Technology Accessibility website:

- [https://doit.txstate.edu/accessibility](https://doit.txstate.edu/accessibility)
- Contains training for the following digital accessibility topics:
  - Web accessibility
  - Document accessibility and remediation
  - How-to guides for using automated testing suites
- Contains guidance for legal procurement of electronic resources (software, electronic hardware and web applications)

Training is available in Canvas learning management system (LMS)

- PowerPoint training: [https://canvas.txstate.edu/courses/1367350](https://canvas.txstate.edu/courses/1367350)
- Word training: [https://canvas.txstate.edu/courses/1367348](https://canvas.txstate.edu/courses/1367348)
- WAVE training: [https://canvas.txstate.edu/courses/1364928](https://canvas.txstate.edu/courses/1364928)

Access University

- [https://doit.txstate.edu/accessibility/training/access-university.html](https://doit.txstate.edu/accessibility/training/access-university.html)
Contact

Evan Pickrel | EIRAccessCoord@txstate.edu | 512.245.9650
What’s new and coming soon

- Video Resources Library
  - www.hr.txstate.edu/resources/Video-Library.html
- HR Workplace Updates for Covid-19
  - www.hr.txstate.edu/about/news-policies/covid19-workplace-updates.html
- Performance Management Toolkit
- New employee learning platform & experience!
- Certificates: A relaunch, a pilot, and more
  - HR Essentials
  - Business Processes
  - Leadership Essentials
  - Instructor Essentials
ODC Team Updates

TBD
ODC Specialist

TBD
Development Representative
Contact

Vanessa Salazar | Teams | vs21@txstate.edu
Budget Development Resources

- Budget Office web page
- Go to Annual Budget Review, then Budget Review Training Documents
Annual Budget Review Training Documents

- **Training Documents**
  - Budget Review Process Instructions
  - BEx Analyzer Instructions: BEx Analyzer
    - For technical issues with the program, please call ITAC.

- **NEW! Video Tutorials**
  - Budget Development Process Overview
  - How to log into Budget Development
  - How to run Query: Current Budget Development Salary Budget Comparison
  - How to run Current Budget Development Report
  - How to Make Changes in a Budget Development Workbook

- **Reminders**

- **FAQ’s – Coming Soon**
Other Information

° Proper security access is required to access the Budget Development system (BEx Analyzer)
° The BEx Analyzer system must be used on a PC only. If using a MAC you must use the remote app which can be found through ITAC remote apps.
° Live nightly updates from SAP will reflect HR actions and permanent budget changes.
° Budget Development reports can be run at any time during Budget Development.
KEY DATES

The processing times for each level of review are indicated in the key dates table below.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Manager Level Review Budget Changes</td>
<td>April 1 – April 19</td>
</tr>
<tr>
<td>Deans, Directors and Department Heads Level Review Budget Changes</td>
<td>April 1 – May 3</td>
</tr>
<tr>
<td>Vice President Level Review Budget Changes</td>
<td>April 1 – May 10</td>
</tr>
<tr>
<td>President’s Cabinet Review Changes</td>
<td>May 11 – June 7</td>
</tr>
<tr>
<td>Office of Budgeting, Financial Planning &amp; Analysis Budget Preparation</td>
<td>May 11 – June 28</td>
</tr>
<tr>
<td>Finalize Budget Reports In Final Form</td>
<td>June 29 – July 5</td>
</tr>
<tr>
<td>President Budget Review and Submission to Board of Regents</td>
<td>July 6 – July 8</td>
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Where We Started
FY 2021 Planning Considerations

° The following scenario was used to create the Operating Budget for this year:
  • 8 percent Decline in Semester Credit Hours versus Fall 2019
  • 5 percent State Formula Appropriation Reduction
  • 5 percent State Non-Formula Appropriation Reductions
    • ALERRT and TXSSC excluded
° All told, this represented approximately a 9.5 percent reduction across the university’s primary fund group.

Source: Excerpt from President University Leadership Assembly Presentation – 04/15/21
Where We Are Now
FY 2021 Current Expectations

- **Enrollment and Net Tuition Revenue**
  - The 8 percent planned enrollment decline did not materialize. We experienced approximately a 2.5 percent decline in Semester Credit Hours.
  - Where did the 5.5 percent difference go?
  - We have seen a 0.6 percent increase in uncollectible receivables due increasing allowable student balances from $200 to $3,000. This was done to aid student retention and amounted to $710,000.
  - We increased Texas State financial aid by $3.36 million.

- **Appropriations**
  - The 5 percent budget reduction from FY 2020 continued for FY 2021 and is expected to remain the base level of funding going into the next biennium.

*Source: Excerpt from President University Leadership Assembly Presentation – 04/15/21*
Where Are We Going
FY 2022 Planning Considerations

° The following scenario is being used to create the FY 2022 Operating Budget:
  • Recognizing the 3 percent tuition and fee revenue decline from last year in place of the 8 percent originally used in planning.
  • Continuing the 5 percent reduction with only minor additional changes to state appropriations.
° This scenario does not require the university to undertake any additional budget reductions.

Source: Excerpt from President University Leadership Assembly Presentation – 04/15/21
Questions
Leave Updates Related to the Pandemic

Heather Houston, MS, PHR
Benefits Manager
Office of Human Resources
American Rescue Plan Act (ARPA)

The Families First Coronavirus Response Act (FFCRA) provided two new leave categories that Texas State University made available to all students, staff, and faculty to alleviate some of the work, health, family, and leave challenges posed by the COVID-19 pandemic.

The American Rescue Plan Act (ARPA) allows employers to reinstate these two leave categories (with changes) effective April 1, 2021 through September 30, 2021. Below is a summary of the ARPA provisions and procedures implemented for Texas State employees. Please note, if you are approved to remote work, then you may not be eligible to take the leave provided in this Act.

Who is eligible?
All Texas State employees. This includes part-time faculty, staff, and student workers.

Amount of Leave granted:
- Up to 80 hours for full-time employees
- The average number of hours the employee works over a two-week period

Effective Dates: April 1, 2021 through September 30, 2021

When, due to COVID-19 conditions, an employee is unable to be physically present or telework and is:

1. Subject to a federal, state, or local quarantine or isolation order
2. Advised by a health care provider to self-quarantine
3. Experiencing COVID-19 symptoms and seeking a medical diagnosis
4. Caring for an individual subject to an order described in (1) or self-quarantined as described in (2)
5. Caring for a child whose school or place of care is closed
6. Experiencing any other substantially similar condition specified by federal or state authorities
7. Is getting a COVID-19 vaccine
8. Is recovering from complications due to receiving a COVID-19 vaccine
9. Is awaiting results of a COVID-19 test or diagnosis for coronavirus

Rate of Pay for Leave:

- **Reasons 1-3 and 7-9:** Employee's regular rate of base pay. Maximum amount per day is $511.

- **Reasons 4-6:** Two-thirds of employee's regular rate of base pay. Maximum amount per day is $200.
Expanded Family Medical Leave Provisions

When, due to COVID-19 conditions, an employee is unable to be physically present or telework and is:

1. Subject to a federal, state, or local quarantine or isolation order
2. Advised by a health care provider to self-quarantine
3. Experiencing COVID-19 symptoms and seeking a medical diagnosis
4. Caring for an individual subject to an order described in (1) or self-quarantined as described in (2)
5. Caring for a child whose school or place of care is closed
6. Experiencing any other substantially similar condition specified by federal or state authorities
7. Is getting a COVID-19 vaccine
8. Is recovering from complications due to receiving a COVID-19 vaccine
9. Is awaiting results of a COVID-19 test or diagnosis for coronavirus
Expanded Family Medical Leave Provisions

Who is eligible?

All Texas State employees employed for at least 30 calendar days. Includes part time faculty, staff and student workers.

Amount of Leave: Up to 12 weeks

Rate of Pay for Leave: Two-thirds of employee's regular rate of base pay. Maximum amount per day is $200.
Procedure to Apply

Employees should first discuss their leave request directly with their supervisor and then complete the Expanded Paid Sick Leave form or the Expanded Family Medical Leave form in the SAP Portal Employee Self-Service.
Meet Alex!

Alex Reyna is the newest addition to the Benefits team. Alex handles benefits customer service, insurance changes, and new employee forms.
Contact

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Questions
thank you

4.20.2021

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