10 Steps to Secure Your Organization Post COVID-19

Returning/Coming to Work

- Employers may measure employees' body temperature because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions. However, employers should be aware that some people with COVID-19 do not have a fever. https://www1.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm?renderforprint=1

- When screening employees entering the workplace during the pandemic the employer may ask employees about symptoms the EEOC and CDC have associated with COVID-19. https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html

- The CDC advisory states those employees with symptoms of acute respiratory illness and a fever (greater than 100.4 degrees, using an oral thermometer) should stay home. https://www.cdc.gov/quarantine/air/reporting-deaths-illness/definitions-symptoms-reportable-illnesses.html

- Requiring a doctor's note is permitted under the ADA because it would not be disability-related or, and it would be justified under the ADA standards for disability-related inquiries of employees. https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

While at Work

- Employers can require employees to wear personal protective equipment (PPE) including face masks, gloves, protective clothing. However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, or gowns designed for individuals who use wheelchairs), the employer should provide these, absent undue hardship.

- An employer should send an employee home involuntarily, or not permit them to enter the work place if the employee becomes ill with symptoms of COVID-19. https://www.eeoc.gov/facts/pandemic_flu.html.

- An employer should send an employee home involuntarily, who is not exhibiting symptoms of COVID-19, if that employee has had close contact with someone who was

confirmed with COVID-19 by a laboratory test. https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html

- The employer should notify fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). https://www.fda.gov/food/food-safety-during-emergencies/what-do-if-you-have-covid-19-confirmed-positive-or-exposed-workers-your-food-production-storage-or

Miscellaneous

- Employers should rely on the CDC, State and local authorities, and reputable medical sources for guidance on emerging symptoms associated with the disease as these are released. https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html

- The employer should consider the EEOC rules and apply policies pertaining to working through COVID-19 uniformly and in a manner that does not discriminate. https://www.eeoc.gov/coronavirus/

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