

# CORONAVIRUS UPDATE

## EEOC Guidance

### Requesting a Reasonable Accommodation

Do you have a qualifying disability which limits your ability to do daily life activities? If so, speak to your manager or the Reasonable Accommodation Coordinator to request a reasonable accommodation. Remember to:

1. Find out if your Agency requires use of a specific form when making a request.
2. Identify how the disability limits your ability to perform essential duties of the position.
3. Bring your PD to your doctor to assist with determining possible accommodations and complete the required (if any) medical documentation
4. The agency is required to engage in an interactive process to identify an effective accommodation.

Please visit askJan.org, www.cap.mil, or your Agency EEO office to see what accommodations are available.

The EEOC has provided guidance through: [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act](#) which can help employees navigate the impact of a pandemic like COVID-19 in the workplace. For example:

**Must an employer continue to provide reasonable accommodations for employees with known disabilities that are unrelated to the pandemic, barring undue hardship?**

Yes. The Agency's ADA responsibilities to individuals with disabilities continue during an influenza pandemic. Only when an employer can demonstrate that a person with a disability poses a direct threat, even after reasonable accommodation, can it lawfully exclude him from employment or employment-related activities.

If an employee with a disability needs the same reasonable accommodation at a telework site that he had at the workplace, the employer should provide that accommodation, absent undue hardship. In the event of undue hardship, the employer and employee should cooperate to identify an alternative reasonable accommodation.

**Does the ADA allow the Agency to require employees to stay home if they have symptoms of the COVID-19?**

Yes. The CDC states that employees who become ill with symptoms of COVID-19 should leave the workplace. The ADA does not interfere with employers following this advice.

**How much information may the Agency request from employees who report feeling ill at work or who call in sick?**

The Agency may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of

## Modifying a Reasonable Accommodation

Inform management or the Reasonable Accommodation Coordinator that a current reasonable accommodation must be modified or complete a new reasonable accommodation request. Always follow-up any verbal request in writing. The agency is required to engage in an interactive process to identify an effective accommodation.

## Helpful Resources

[www.eeoc.gov/facts/pandemic\\_flu.html](http://www.eeoc.gov/facts/pandemic_flu.html)

[www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitation\\_act\\_coronavirus.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitation_act_coronavirus.cfm)

[www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html](http://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html)

[www.cap.mil](http://www.cap.mil)

[askJan.org](http://askJan.org)

breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

*May the Agency ask employees who do not have COVID-19 symptoms to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to COVID-19 complications?*

No. However, under these conditions, employers should allow employees who experience flu-like symptoms to stay at home. If an employee voluntarily discloses (without a disability-related inquiry) that he has a specific medical condition or disability that puts him or her at increased risk of COVID-19 complications, the Agency must keep this information confidential. The Agency may ask him to describe the type of assistance he thinks will be needed (e.g. telework or leave for a medical appointment).

The Agency may make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of COVID-19 complications only when there is sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract COVID-19.