

Survive and Advance

EEOC Updates Employer Guidance on Coronavirus and the ADA

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On April 23, 2020, the Equal Employment Opportunity Commission (EEOC) issued additional answers to frequently asked questions (FAQs) about how employers should comply with the Americans with Disabilities Act (ADA) while also observing all applicable emergency workplace safety guidelines during the coronavirus pandemic. The new FAQs were added to guidance that the EEOC previously issued on March 18, April 9, and April 17, 2020.

The FAQs draw from the EEOC's existing pandemic publication, *Pandemic Preparedness in the Workplace and the ADA*, to help employers navigate workplace issues related to the coronavirus (COVID-19). In particular, the EEOC's FAQs include information from a section of the publication that answers employer questions about what to do after a pandemic has been declared.

Employers are subject to the ADA if they have 15 or more employees. Smaller employers may be subject to similar rules under applicable state or local laws.

ADA Rules Still Apply but Do Not Prevent Safety Measures

Employers must follow ADA rules while observing emergency guidelines issued by federal, state and local health authorities during the pandemic.

Employer Guidance

The EEOC's pandemic guidance clarifies that employers may:

- Ask employees if they have COVID-19 symptoms;
- Require employees to stay home (and to provide medical notes before returning to work) if they have COVID-19 symptoms; and
- Screen applicants for COVID-19 symptoms after making conditional job offers.

For more information

Should you have a specific question not addressed here, or need additional information, please contact your SBI Account Executive or Karen Smith Wohlers, Employee Benefits Compliance Officer. We continue to monitor ongoing developments in the face of the Covid-19 pandemic.

The foregoing has been prepared as a general overview of the subject matter covered. It is not meant to provide legal advice with respect to any specific matter and it should not be taken as legal or compliance advice. Do not take, or refrain from taking, any action on legal or compliance issues related to any employee benefit plan(s) based upon this information. Readers of this alert are encouraged to consult with their own professional counsel. Smith Brothers Insurance is not obligated to provide updates on the information presented herein.