

# CORONAVIRUS DISEASE (COVID-19) BACK TO WORK FAQs



**Can my employer take my temperature before allowing me to work? Yes.** However, your employer MUST keep your medical information confidential. Employers should be aware that many carriers of COVID-19 don't suffer from fever or any other symptoms and should maintain strict health and safety procedures in the workplace to minimize the spread of the disease.

**Can my employer require me to disclose whether I've had symptoms of COVID-19 or tested positive for it? Yes.** If you've called in sick, your employer will probably want to know whether you had fever, chills, shortness of breath, cough, or other symptoms of COVID-19—or whether you tested positive for it. Your employer is legally allowed to ask these questions and can refuse to let you return to work unless you answer. However, ADA requires your employer MUST keep your medical information confidential.

**Can my employer ask whether any of my family members have COVID-19 or its symptoms? No.** A federal law bars employers from asking their workers for medical information about family members. Instead, the employer should ask whether the worker has been in contact with anyone who has been diagnosed with COVID-19 or shown symptoms of the disease.

**Can my employer tell my coworkers that I've had symptoms of COVID-19 or have tested positive for the virus? No.** The ADA prohibits employers from disclosing your name and personal medical information to others in the workplace. Employers are only permitted to tell employees that someone in the workplace either has symptoms of the virus or has tested positive.

**After I've taken sick leave, my employer wants me to provide a "fitness for duty" note from a doctor before I can return to work. Is that legal? Yes.** However, the CDC have recommended that employers don't require doctors' notes due to the demands this would place on scarce healthcare resources.

**My work environment is unsafe because my employer hasn't taken the necessary health and safety precautions to prevent the disease from spreading. What can I do? OSHA** requires employers must keep the workplace free of recognized hazards, including health hazards such as infectious diseases.

OSHA and the CDC have issued guidelines on social distancing, cleaning and disinfection, and other measures employers can take to minimize the spread of the disease. Check these resources to understand if your employer is following guidelines for workplace safety.

If your employer isn't maintaining a safe work environment, you should first raise your concerns with your Supervisor, Business Agent or Steward.

**Is COVID-19 a "disability" under the Americans with Disabilities Act (ADA)? No.** The ADA, has refused to provide a definitive answer. They emphasized, that whether COVID-19 is a disability or not, employers have no duty to make workplace accommodations for individuals with COVID-19 because they pose a "direct threat" to others.

Under the ADA if you have a preexisting condition, such as an auto-immune disorder, that makes you more susceptible, your employer must reasonably accommodate your condition like allowing you to wear a face mask or cloth covering. Your employer doesn't have to make any accommodation for you that would interfere with your ability to perform your essential job functions.

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**Can I wear a face mask or face covering in the workplace to protect myself from the disease?** The CDC recommends that individuals wear cloth face coverings in public areas to reduce their chances of contracting or spreading COVID-19. Surgical masks and N-95 respirators should not be worn by the public—these should be reserved for health care professionals.

**Can my employer require people in “high risk groups” (for example, the elderly and people with respiratory conditions) to stay home from work for their own protection?** **No.** Doing so would constitute unlawful discrimination under the Age Discrimination in Employment Act (ADEA) and the ADA. Employers must apply their policies equally to all employees—regardless of age, disability, or other legally protected characteristics.

**How do I request a job accommodation if I’m in a high risk group?** You should let your employer know, either orally or in writing, that you’d like an accommodation due to a preexisting medical condition.

**How do I know if I’m in a high-risk group for COVID-19?** According to the CDC, individuals over 65 and those with:

- chronic lung disease
- moderate to severe asthma
- serious heart condition
- severe obesity (bmi of at least 40)
- diabetes
- chronic kidney disease and undergoing dialysis, and liver disease
- immune deficiencies including cancer treatment, organ transplantation

**If I’m high risk, what kinds of accommodations might I be entitled to?** If you’re at elevated risk for catching COVID-19 and you request an accommodation, you and your employer should discuss job modifications that reduce your risk. Some might include:

- protective masks, gloves, or other gear beyond what the employer generally provides
- physical barriers to separate you from your coworkers or the public
- eliminating or substituting some of your non-essential job duties
- changing your work schedule to decrease contact with others
- relocating your workstation to provide for greater social distancing or working from home or paid leave

