

# COVID-19 and the Workforce

## Intersections of Coronavirus, Employment and Disability Inclusion

As we work together and learn during this unprecedented time, we are guided by two broad principles:

1. Designing and implementing responses to COVID-19 that are based on facts, objective evidence, and science; and
2. Ensuring that our responses are genuine, effective, and meaningful by taking into consideration the functional needs of all employees, including individuals with disabilities through the provision of reasonable accommodations, including accessible websites, online systems, mobile apps and other forms of information and communication technologies.

Disability:IN has compiled the following resources to support your disability inclusion work during COVID-19. Please know that more resources will be added as they become available.

If you have a resource that isn't listed but should be, please email [Kate@Disabilityin.org](mailto:Kate@Disabilityin.org).

## Mental Health

Paul Gionfriddo, the President and CEO of Mental Health America (MHA), addressed [Coronavirus and mental health in a statement](#) published on March 12, 2020. Recognizing that associated anxiety will rise as the number of COVID-19 cases increase, especially for employees who have mental health conditions and those who may develop them during this crisis.

The following is a list of recommendations that employers can use to assist employees with and without disabilities:

- Shift your remote conferencing capabilities from voice to video conferencing to assist your employees to feel more connected to their coworkers and others.
- Ensure that your video conferencing platforms are accessible to all employees. Ask your employees with disabilities and/or your disability Employee/Business Resource Group (E/BRG) to test the platform for accessibility.

- Encourage employees to identify the things that help them handle stress, e.g., exercise, holding a pet, and recommend that they do these things more often.
- Consider setting up a video conferenced exercise program each morning before work and/or after work with a professional trainer who can lead them in the comfort of their homes.
- Recommend stress relief activities when they feel anxiety building, such as, deep breathing, exercise, reading, gardening - whatever works for them.
- Encourage contact with the Employee Assistance Program (EAP) or a trusted therapist to talk through their concerns. Ensure there are ample services, then share with your employees what is available from the EAP and how to access services. Sharing their concerns with close coworkers, family and friends may also be comforting.
- Be flexible in addressing the needs of all employees, especially those with disabilities.
- Communicate regularly with employees on your company's plans to address COVID-19 so they know what to expect, and they are receiving reliable information from company leaders, not the rumor mill, which can cause more anxiety.

The American Psychiatric Association Foundation Center for Workplace Mental Health has published a series of tips for employees on maintaining their health and wellness during this uncertain time. The article includes guidance specific to those diagnosed with mental health conditions and offers managers and HR professionals ways to support employees. To read the full article: [Working Remotely - Your Mental Health & Well-being](#)

The American Foundation for Suicide Prevention released [Taking Care of Your Mental Health in the Face of Uncertainty](#).

## **Q&A About the ADA, the Rehabilitation Act, and COVID-19**

The U.S. Equal Employment Opportunity Commission (EEOC) provided a bulletin entitled "[Q&A About the ADA, the Rehabilitation Act, and COVID-19](#)" on March 18, 2020. Disability:IN forwards the below information from the Bulletin to ensure your awareness and access to the guidance.

### **What You Should Know About the ADA, the Rehabilitation Act, and COVID-19**

- The EEOC enforces workplace anti-discrimination laws including the Americans with Disabilities Act (ADA) and the Rehabilitation Act, including the requirement for reasonable accommodation and rules about medical examinations and inquiries.
- The ADA and Rehabilitation Act rules continue to apply, but they do not interfere with or prevent employers from following the [guidelines and suggestions made by the CDC or](#)

[state/local public health authorities](#) about steps employers should take regarding COVID-19. **Employers should remember that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, employers should continue to follow the most current information on maintaining workplace safety.**

- The EEOC has provided guidance (a publication entitled [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act](#)), consistent with these workplace protections and rules, that can help employers implement strategies to navigate the impact of COVID-19 in the workplace. This pandemic publication, which was written during the prior H1N1 outbreak, is still relevant today and identifies established ADA and Rehabilitation Act principles to answer questions frequently asked about the workplace during a pandemic.
- The World Health Organization (WHO) has declared COVID-19 to be an international pandemic. The EEOC pandemic publication includes a [separate section that answers common employer questions about what to do after a pandemic has been declared](#). Applying these principles to the COVID-19 pandemic, the following may be useful:
  - **How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?**
    - During a pandemic, ADA-covered employers 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 breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.
  - **When may an ADA-covered employer take the body temperature of employees during the COVID-19 pandemic?**
    - Generally, measuring an employee's body temperature is a medical examination. Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions, employers may measure employees' body temperature. However, employers should be aware that some people with COVID-19 do not have a fever.
  - **Does the ADA allow employers 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.
  - **When employees return to work, does the ADA allow employers to require doctors' notes certifying their fitness for duty?**
    - Yes. Such inquiries are permitted under the ADA either because they would not be disability-related or, if the pandemic influenza were truly severe, they

would be justified under the ADA standards for disability-related inquiries of employees. As a practical matter, however, doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation. Therefore, new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp, or an e-mail to certify that an individual does not have the pandemic virus.

- **If an employer is hiring, may it screen applicants for symptoms of COVID-19?**
  - Yes. An employer may screen job applicants for symptoms of COVID-19 after making a conditional job offer, as long as it does so for all entering employees in the same type of job. This ADA rule applies whether or not the applicant has a disability.
- **May an employer take an applicant's temperature as part of a post-offer, pre-employment medical exam?**
  - Yes. Any medical exams are permitted after an employer has made a conditional offer of employment. However, employers should be aware that some people with COVID-19 do not have a fever.
- **May an employer delay the start date of an applicant who has COVID-19 or symptoms associated with it?**
  - Yes. According to current CDC guidance, an individual who has COVID-19 or symptoms associated with it should not be in the workplace.
- **May an employer withdraw a job offer when it needs the applicant to start immediately but the individual has COVID-19 or symptoms of it?**
  - Based on current CDC guidance, this individual cannot safely enter the workplace, and therefore the employer may withdraw the job offer.

## Supporting Resources

The [Department of Labor has created a Coronavirus web page](#) with resources to help employers and employees to prepare for the COVID-19 virus.

Since one critical strategy for Coronavirus is social distancing, many employers will opt for telework or work from home strategies to keep their workers and communities healthy. Following are some supporting resources.

### Reasonable Accommodations

JAN provides [Telework Guidance](#) and the EEOC provides [Work from Home Guidance](#) that may assist organizations in understanding how to approach work from home for employees with

disabilities. We also encourage using JAN's [Searchable Online Accommodation Resource](#) to discover what employees with disabilities might need to successfully work from home.

[JAN also created it's COVID-19 Page](#) to share Coronavirus resources.

## Accessible Tools and Content

It is important to review the tools organizations use for distance-based connections. Is your video conferencing system accessible for users of assistive technology? Review the [Disability:IN Accessible Technology Procurement Toolkit](#) for guidance.

Also, when team members present content for remote colleagues, is the content presented in a way that all colleagues can capture, including workers with disabilities? Check out [Accessible Teaching in the Time of COVID-19](#) for recommendations and practices. While this tool was developed for online university teaching, the lessons are transferable to other communities.

## Coronavirus and People with Disabilities

There are some quality posts from the disability community that will assist employers in understanding the mindset of employees who have pre-existing conditions and are concerned during this period of time. While we know there are many valuable posts, we highlight a few below.

- [5 Things To Know About Coronavirus And People With Disabilities](#), Andrew Pulrang, *Forbes*
- [COVID-19 Information By and For People with Disabilities](#), a plain language guide created by the Self Advocacy Resource and Technical Assistance Center for individuals with intellectual and development disabilities.
- [What You Need to Know About Coronavirus \(in American Sign Language\)](#), New York City's Mayor's Office for People with Disabilities
- National Association of the Deaf [COVID-19 Resource Page](#)
- American Association of People with Disabilities: [How the Disability Community Can Respond to COVID-19 – Ensuring People with Disabilities Can Access Prescription Drugs During the Current Crisis](#)