



We have the legal right of way.

EMPLOYMENT AND COVID-19: Frequently Asked Questions

This document answers some frequently asked questions about employment rights in the COVID-19 Pandemic. Please keep in mind that this guidance could change and represents the best information available at this time from the Equal Employment Opportunity Commission (EEOC) and Ohio Civil Rights Commission (OCRC), among other sources.

If you have specific questions about your employment situation or need clarification on these topics, please call our intake department at 614-466-7264 or 1-800-282-9181. Press option 2, and leave a voicemail. We will return your call.

Employment Rights and Remedies

Do I still have employment rights under the Americans with Disabilities Act (ADA) and Ohio law? Can I still file a charge of discrimination?

Yes. The EEOC and OCRC continue to enforce the ADA and the Ohio laws against discrimination, which still apply to employers with 4 employees for Ohio law, or 15 employees for the ADA. You should check with the EEOC or OCRC to get the most up-to-date information about how to file a charge. Their websites are <http://www.eeoc.gov> and <http://crc.ohio.gov>. Both agencies can help you complete charge paperwork and have it notarized. It is important to remember there are deadlines for filing charges of discrimination with the OCRC or EEOC. See [Employment Discrimination: Rights and Remedies for People with Disabilities](#) for more information.

Can I still file a lawsuit under the ADA, Ohio law, or both? What about deadlines?

You can still file a lawsuit, but some courts have changed filing directions because of COVID-19. If you have received a Notice of Rights to Sue letter from the EEOC, meaning you have only 90 days to file a lawsuit from when you got the letter, or if you have questions about a deadline, DRO recommends you contact our intake for help. Some court filing deadlines may be extended at this time, and an attorney can help let you know what deadlines apply to your case.



Medical Inquiries and Examinations and Confidentiality

May my employer ask me for medical information if I call in sick, to protect other employees or customers?

Yes. Employers may ask you if you are experiencing symptoms such as fever, chills, cough, shortness of breath, sore throat, or other symptoms associated with COVID-19 per the Center for Disease Control or other public health officials. Employers should keep this information private under the ADA.

Is my employer allowed to take my temperature or a COVID-19 test at work?

Yes. These are medical examinations, but, employers may take your temperature or a COVID-19 test. This is because the Centers for Disease Control and Prevention (CDC), as well as other public health authorities, have acknowledged community spread of COVID-19 and provided precautions to minimize spread.

Is my employer allowed to make me to stay home if I have symptoms of COVID-19?

Yes. The CDC says that if you are ill with symptoms of COVID-19, you should leave the workplace. The ADA does not prevent your employer from requiring that you follow this direction.

Is my employer allowed to require me to have a doctor's note to return to work?

Yes. The law permits this because either it is not disability-related, or because the pandemic is severe enough to permit the inquiry under the ADA. Given the pandemic, doctors and other health care providers may not have time to fill out paperwork clearing you to return to work. You can see if your employer will look at different ways to clear you to return; for example, a local clinic may be able to provide a form, stamp, or email to certify that you do not have COVID-19.

Must my employer keep my medical information, including information about COVID-19, private?

Yes. Under the ADA, employers must store all medical information about employees separate from their normal files and keep this information private. COVID-19 information may be stored in an existing medical file, including information about COVID-19 status or symptoms.

May my employer keep a log of the results of daily temperature checks?

Yes. This information must still be kept private.

May my employer disclose my name to a public health agency if it learns I have COVID-19?

Yes.

If I work for a temporary staffing agency or contractor which places employees in another employer's workplace, may my employer notify that employer if they learn I have COVID-19?

Yes. A staffing agency or contractor may tell the employer your name because the employer may need to determine who else you had contact with.

Reasonable Accommodations

Is there a resource available about reasonable accommodations in the COVID-19 pandemic?

Yes. The Job Accommodation Network (JAN) has a website discussing types of accommodations at <http://www.askjan.org>. JAN's materials specific to COVID-19 are located at <http://askjan.org/topics/COVID-19.cfm>.

If my job can only be done where I work, can I get a reasonable accommodation if am at higher risk from COVID-19 because of my disability?

Possibly. If your disability puts you at greater risk from COVID-19, you can request reasonable accommodations to reduce your risk of exposure. Flexibility by employers and employees is important in determining if an accommodation is possible in these circumstances. Making changes to the work environment, temporarily restructuring high-risk job duties, temporarily transferring you to a different position, or modifying a work schedule or shift assignment are some examples that may let you safely do your job, but still reduce your exposure to others in the workplace.

If my mental illness or other disorder has been made worse by the COVID-19 pandemic, can I request a reasonable accommodation?

Yes. If you have certain mental health conditions, you may have more difficulty handling how the COVID-19 pandemic has changed your life and work, and may request reasonable accommodations. As with any accommodation request, your employer may ask you questions to see if your condition is a disability, talk to you about how the requested accommodation would help you and let you keep working, and explore if other accommodations may help you. Your employer may ask for medical documentation as well.

My employer requires everyone to telework right now. Should my reasonable accommodation requests not related to telework be delayed?

Not necessarily. Your employer might first consider requests needed while teleworking, but can also talk to you about other reasonable accommodations, even while teleworking. Employers or employees may be able to acquire or provide all the information needed. If a reasonable accommodation is granted, the employer

may be able to make some arrangements in advance.

Can I request an altered or additional reasonable accommodation because of COVID-19 if I already received a reasonable accommodation?

Possibly. For example, if you are teleworking because of the COVID-19 pandemic, you may need different accommodations for teleworking than you do in the workplace. Your employer can talk with you to see if the same or a different disability is the reason for this new request, and why you need an additional or altered accommodation.

May my employer still request medical documentation to support my request for reasonable accommodation during the COVID-19 pandemic?

Yes. If it is not obvious, and they did not already know about it, your employer can ask you questions or ask you for medical documents, to show that you have a disability under the ADA. Different employers do this in different ways, and if you have questions DRO encourages you to contact our intake department.

Does my employer still have to engage in the interactive process? Can my employer still request information from me about why I need a reasonable accommodation?

Yes. Your employer should still talk to you about your requests. Your employer may ask you questions or ask you for medical documents to show that you have a disability. Your employer can also ask you about how your disability limits you, how the accommodation you have asked for helps, if another accommodation might also help just as well, and how your requested accommodation will let you continue doing your job.

Can my employer provide a temporary accommodation during the COVID-19 pandemic, and then talk to me more about it later?

Yes. Some employers may hold off on a final decision due to the COVID-19 pandemic. They may choose to grant your requested accommodations temporarily, and then come back and talk to you about them later. This is important as public health rules change or are lifted, which may change the accommodations you need. Your employer can put an end date on the temporary accommodation, which could be a specific date, or simply when you go back to work. Your employer might also provide you a temporary accommodation while waiting for medical documentation. You can request an extension from your employer, and they should consider it, if you have a hard time getting documentation, especially if your disability puts you at greater risk from the COVID-19 pandemic.

