



INNOVATIVE
EMPLOYER SOLUTIONS

FAQS on Testing Employees Returning to Work

Can you ask your employees about COVID-19 symptoms?

Yes, symptoms now include: fever or cough, loss of smell or taste as well as gastrointestinal problems, such as nausea, diarrhea, and vomiting.

Can you take the temperature of your employees?

Yes. However, employers should be aware that some people with COVID-19 do not have a fever.

Can you require your employees with COVID-19 symptoms to stay home or leave the workplace?

Yes.

Can you require your employees to provide a doctor's note certifying fitness for duty upon returning to work?

Yes.

Can you test an employee for COVID-19 before allowing employees to enter the workplace?

Yes. Consistent with the ADA standard, employers should ensure that the tests are accurate and reliable. For example, employers may review guidance from the U.S. Food and Drug Administration about what may or may not be considered safe and accurate testing, as well as guidance from CDC or other public health authorities, and check for updates. Employers may wish to consider the incidence of false-positives or false-negatives associated with a particular test. Finally, note that accurate testing only reveals if the virus is currently present; a negative test does not mean the employee will not acquire the virus later.

Based on guidance from medical and public health authorities, employers should still require - to the greatest extent possible - that employees observe infection control practices (such as social distancing, regular handwashing, and other measures) in the workplace to prevent transmission of COVID-19.

Confidentiality:

As a reminder, employers are required to maintain the confidentiality of the results of COVID-19 tests, temperature checks, and symptom information gained from employees. However, employers may disclose a positive test result of COVID-19 to a public health agency.

Hiring and Onboarding:

Can you screen applicants for symptoms of COVID-19?

Yes, after making a conditional job offer. You must do the same for all entering employees in the same type of job.



Can you take an applicant's temperature?

Yes, after a conditional offer of employment is made.

Can you delay the start date of an applicant who has COVID-19 symptoms or symptoms associated with it?

Yes.

Can you withdraw a job offer when the company needs the applicant to start immediately but the individual has COVID-19 symptoms or symptoms of it?

Yes, because the individual cannot safely enter the workplace.

Can you postpone an individual's start date or withdraw a job offer because the individual is 65 years old or pregnant, both of which place them at higher risk for COVID-19?

NO. However, the employer may choose to allow telework or discuss with these individuals if they would like to postpone the start date.

Reasonable Accommodation:

If a job may only be performed at the workplace, are there reasonable accommodations for individuals with disabilities absent undue hardship that could offer protection to an employee who, due to a preexisting disability, is at higher risk from COVID-19?

There may be reasonable accommodations that could offer protection to an individual whose disability puts him at greater risk from COVID-19 and who therefore requests such actions to eliminate possible exposure. Even with the constraints imposed by a pandemic, some accommodations may meet an employee's needs on a temporary basis without causing undue hardship on the employer.

Low-cost solutions achieved with materials already on hand or easily obtained may be effective. If not already implemented for all employees, accommodations for those who request reduced contact with others due to a disability may include changes to the work environment such as designating one-way aisles; using plexiglass, tables, or other barriers to ensure minimum distances between customers and coworkers whenever feasible per CDC guidance or other accommodations that reduce chances of exposure.

Flexibility by employers and employees is important in determining if some accommodation is possible in the circumstances. Temporary job restructuring of marginal job duties, temporary transfers to a different position, or modifying a work schedule or shift assignment may also permit an individual with a disability to perform safely the essential functions of the job while reducing exposure to others in the workplace or while commuting.