



Office of Equal Opportunity

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Pandemic Preparedness in the Workplace and the Americans with Disabilities Act

What should you know about the ADA and the Coronavirus?

The ADA continues to apply, but they do not interfere with or prevent employers from following the [guidelines and suggestions made by the CDC](#) about steps employers should take regarding the Coronavirus.

The EEOC has provided [guidance](#), consistent with these workplace protections and rules, that can help employers implement strategies to navigate the impact of Coronavirus in the workplace.

Additional questions or concerns should be directed to the Office of Equal Opportunity at (352) 334-5051.

During a Coronavirus Pandemic FAQs

May an ADA-covered employer send employees home if they display coronavirus-like symptoms during a pandemic?

Yes. The CDC states that employees who become ill with symptoms of coronavirus-like illness at work during a pandemic should leave the workplace. Advising such workers to go home is not a disability-related action if the illness is akin to the virus. Additionally, the action would be permitted under the ADA if the illness were serious enough to pose a direct threat. A “direct threat” is defined as posing a significant risk of substantial harm to the health and safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

During a pandemic, how much information may an ADA-covered employer request from employees who report feeling ill at work or who call in sick?

ADA-covered employers may ask such employees if they are experiencing coronavirus-like symptoms, such as fever or chills and a cough or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA. Employees should be referred to the City’s Employee Health Services for a telephone screening.

When an employee returns from travel during a pandemic, must an employer wait until the employee develops coronavirus symptoms to ask questions about exposure to pandemic influenza during the trip?

No. These would not be disability-related inquiries. If the CDC or state or local public health officials recommend that people who visit specified locations remain at home for several days until it is clear they do not have pandemic coronavirus symptoms, an employer may ask whether employees are returning from these locations, even if the travel was personal. Employees should be referred to Employee Health Services for a telephone screening, in this instance.⁽³¹⁾

During a pandemic, may an ADA-covered employer ask employees *who do not have coronavirus symptoms* to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to coronavirus complications?

No. Making disability-related inquiries or requiring medical examinations of employees *without* symptoms is prohibited by the ADA.⁽³²⁾ However, under these conditions, employers should allow employees who experience coronavirus-like symptoms to stay at home, which will benefit all employees including those who may be at increased risk of developing complications.⁽³³⁾

If an employee voluntarily discloses (without a disability-related inquiry) that he has a specific medical condition or disability that puts him or her at increased risk of coronavirus complications, the employer must keep this information confidential. The employer may ask him to describe the type of assistance he thinks will be needed (e.g. telework or leave for a medical appointment). Employers **should not assume** that all disabilities increase the risk of coronavirus complications. Many disabilities do not increase this risk (e.g. vision or mobility disabilities).

If a coronavirus pandemic becomes more severe or serious according to the assessment of local, state or federal public health officials, ADA-covered employers may have sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic coronavirus.⁽³⁴⁾ **Only in this circumstance** may ADA-covered employers make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of coronavirus complications.

May an employer encourage employees to telework (i.e., work from an alternative location such as home) as an infection-control strategy during a pandemic?

Yes. Telework is an effective infection-control strategy that is also familiar to ADA-covered employers as a reasonable accommodation.⁽³⁵⁾

In addition, employees with disabilities that put them at high risk for complications of pandemic influenza may request telework as a reasonable accommodation to reduce their chances of infection during a pandemic.

During a pandemic, may an employer require its employees to adopt infection-control practices, such as regular hand washing, at the workplace?

Yes. Requiring infection control practices, such as regular hand washing, coughing and sneezing etiquette, and proper tissue usage and disposal, does not implicate the ADA. An employer may require employees to wear personal protective equipment during a pandemic. However, where an employee with a disability needs a related reasonable accommodation under the ADA (e.g., non-latex gloves, or gowns designed for individuals who use wheelchairs), the employer **should provide** these, absent undue hardship.

May an employer covered by the ADA and Title VII of the Civil Rights Act of 1964 compel all of its employees to take vaccinations regardless of their medical conditions or their religious beliefs during a pandemic?

No. An employee may be entitled to an exemption from a mandatory vaccination requirement based on an ADA disability that prevents him from taking vaccinations. This would be a reasonable accommodation barring undue hardship (significant difficulty or expense). Similarly, under Title VII of the Civil Rights Act of 1964, once an employer receives notice that an employee's sincerely held religious belief, practice, or observance prevents him/her from taking a vaccine, the employer must provide a reasonable accommodation unless it would pose an undue hardship as defined by Title VII ("more than de minimis cost" to the operation of the employer's business, which is a lower standard than under the ADA).⁽³⁶⁾

Generally, ADA-covered employers should consider simply encouraging employees to get vaccines rather than requiring them to take it.

During a pandemic, must an employer continue to provide reasonable accommodations for employees with known disabilities that are unrelated to the pandemic, barring undue hardship?

Yes. An employer's ADA responsibilities to individuals with disabilities continue during a coronavirus pandemic. Only when an employer can demonstrate that a person with a disability poses a direct threat, even after reasonable accommodation, can it lawfully exclude him from employment or employment-related activities.

If an employee with a disability needs the same reasonable accommodation at a telework site that he had at the workplace, the employer should provide that accommodation, absent undue hardship. In the event of undue hardship, the employer and employee should cooperate to identify an alternative reasonable accommodation.

During a pandemic, may an employer ask an employee why he or she has been absent from work if the employer suspects it is for a medical reason?

Yes. Asking why an individual did not report to work is not a disability-related inquiry. An employer is always entitled to know why an employee has not reported for work. If the employee reveals personal medical information, refer the employee to Employee Health Services.