

How to Deal with Sick Employees According to EEOC The EEOC has updated information about the ADA and pandemic planning in the workplace. Following are a few of the top scenarios and the response from the EEOC:

- **One of your employees calls in sick, how much information can you request of the employee?** In order to protect the rest of your workforce, employers may ask employees if they are experiencing symptoms of the COVID-19 virus. Due to the sensitivity of this information, confidentiality is imperative.
- **Can an employer take the body temperature of its employees during the COVID-19 pandemic?** Measuring an employee's body temperature would typically be considered a prohibited medical examination. However, in an effort to contain further transmission of the COVID-19 virus, the EEOC has directed that employers may measure employees' body temperatures. If you conduct this practice, make sure you do so consistently across your workforce.
- **Can an employer require employees to stay home if they have symptoms of the COVID-19 virus?** Yes, authorities have concluded that employees who have symptoms of COVID-19 should leave the workplace.
- **When an employee returns to work, can the employer require a doctor's note certifying the employee is fit for duty?** Yes, based on the severity of the COVID-19 virus, such inquiries are permitted because they are not related to a disability. However, employees may experience difficulties obtaining physical notes from doctors or other health care professionals, so new approaches should be considered, such as emails, forms or stamps of certification from local clinics, or virtual health visits.
- **If an employer is hiring new employees, can they screen applicants for symptoms of COVID-19?** Yes, once an offer has been made, an employer may screen applicants for COVID-19 symptoms as long as the screening is performed consistently on all candidates who apply for the same job.

- **Can an employer measure an applicant's temperature as part of a post-offer, pre-employment medical exam?** Yes, medical exams are permitted after an offer of employment has been made. However, employers should be aware that COVID-19 symptoms vary widely from person to person.
- **Can an employer delay the start date and/or withdraw a job offer of an applicant who has the COVID-19 virus or symptoms of the virus?** Yes, CDC guidance states that individuals who have tested positive or have symptoms of the COVID-19 virus should not be in the workplace. Therefore, the employer can delay or withdraw the job offer.

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