

CORONAVIRUS UPDATE

EEOC Guidance

Requesting a Reasonable Accommodation

Do you have a qualifying disability which limits your ability to do daily life activities? If so, speak to your manager or the reasonable accommodation coordinator about requesting a reasonable accommodation. Then:

1. Find out if your Agency requires use of a specific form when making a request.
2. Identify how the disability limits your ability to perform essential duties of the position.
3. Bring your PD to your doctor to assist with determining possible accommodations and complete the required (if any) medical documentation
4. The agency is required to engage in an interactive process to identify an effective accommodation.

Please visit askJan.org or your Agency EEO office to see what accommodations are available.

The EEOC has provided guidance through: [Pandemic Preparedness in the Workplace and the Americans With Disabilities Act](#) which can help employees navigate the impact of a pandemic like COVID-19 in the workplace. For example:

[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 an influenza 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.

[How much information may the Agency request from employees who report feeling ill at work or who call in sick?](#)

If they are experiencing influenza-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. If pandemic influenza becomes severe, the inquiries, even if disability-related, are justified by a

Modifying a Reasonable Accommodation

Inform management or the Reasonable Accommodation Coordinator that a current reasonable accommodation must be modified or complete a new reasonable accommodation request. The agency is required to engage in an interactive process to identify an effective accommodation.

Helpful Resources

www.eeoc.gov/facts/pandemic_flu.html

www.eeoc.gov/eeoc/newsroom/wysk/

www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

[wysk_ada_rehabilitaion_act_coronavirus.cfm](#)

reasonable belief based on objective evidence that the severe form of pandemic influenza poses a direct threat.

May the Agency ask employees who do not have influenza symptoms to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to influenza complications?

No. However, under these conditions, employers should allow employees who experience flu-like symptoms to stay at home. 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 influenza 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).

The Agency may make disability-related inquiries or require medical examinations of asymptomatic employees to identify those at higher risk of influenza complications only when there is **sufficient objective information from public health advisories to reasonably conclude that employees will face a direct threat if they contract pandemic influenza.**