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EEOC Updates Technical Assistance Information for COVID-19



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The U.S. Equal Employment Opportunity Commission (EEOC) posted an updated technical assistance document entitled “[What You Should Know About COVID-19 and the ADA, Rehabilitation Act, and Other EEO Laws](#)” on September 8, 2020. The EEOC announced that it was providing these updates “in order to create a user-friendly comprehensive guide that addresses common questions about COVID-19 and federal equal employment opportunity laws for employers, advocates, and workers.” In addition to incorporating information from other agency resources, the EEOC also modified several of its existing Q&As. The EEOC continued its helpful practice of providing the date(s) of its answers to each of the Q&As (as well as the source of the Q&A).

Of particular note, the EEOC has “more fully” explained its position on administering COVID-19 tests before permitting employees to enter the workplace (they are permitted, see A.6.), provided updated information about permitted questions an employer can ask when employees return to work (such as why an employee was absent and where an employee traveled, see A.13. – A.14.), answered what an employer can do if an employee refuses to provide such information or to allow a temperature screening (A.11.) and advised on how to maintain the confidentiality of medical information received from employees under the ADA, such as the identity of an employee who tests positive (see B.5. – B.8.)

If you have additional questions regarding the impact of the COVID-19 pandemic on employment law, please contact a member of Gould & Ratner’s [Human Resources and Employment Law](#) practice.