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https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

“How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?”

During a pandemic, ADA-covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or loss of taste or smell. Laws enforced by the EEOC prevent

maintain confidentiality as required by the Americans with Disabilities Act (ADA). The fellow employees should then self-monitor for [symptoms](#) (i.e., fever, cough, or shortness of breath).”

³ OSHA guidance requires among other things that employers develop policies and procedures to promptly identify potentially infectious individuals. <https://www.osha.gov/Publications/OSHA3990.pdf>

In addition, OSHA has issued general guidance to employers on COVID-19 regarding when the illness may be *recordable*. According to OSHA’s guidance, COVID-19 would be a recordable illness on an OSHA 300 log if an employee is infected as a result of performing their work-related duties and all of the following criteria are met:

1. The case is a confirmed case of COVID-19;
2. The case is work-related; and
3. The case resulted in death, days away from work, restricted work duty, or treatment beyond first aid is provided (such that a prescription is issued).

In addition, a COVID-19 diagnosis may be *reportable* to OSHA. An employer must report to OSHA an employee’s confirmed case of COVID-19 contracted from performing work-related duties if the employee passes away or is hospitalized as an inpatient.

