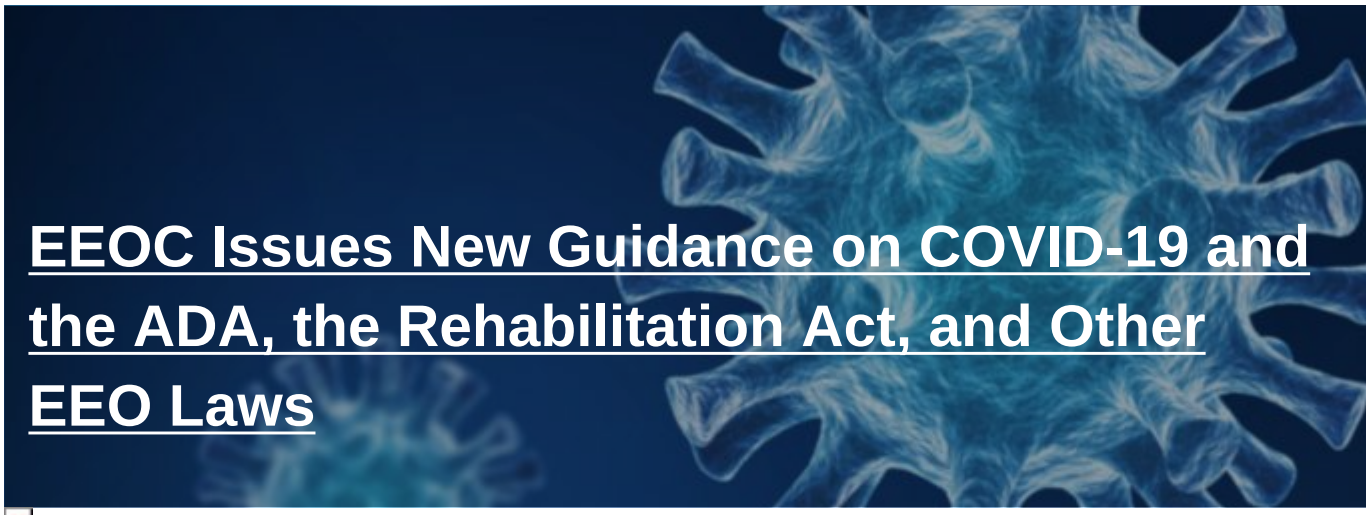


EEOC Issues New Guidance on COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws

By: John Vering and Mark Opara

On September 8, 2020, the U.S. Equal Opportunity Commission (EEOC) issued new guidance in the form of an updated technical assistance document ("TAD") entitled "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws. " This new guidance adds 18 Questions and Answers to the previous 45 Questions and Answers contained in the prior version of the TAD.

In addition to covering a number of other questions that many employers are asking, the updated TAD reinforces prior EEOC statements about COVID-19 and the EEO laws. First, in the updated "A.6.," the EEOC more fully explains its existing position about how employers can lawfully administer COVID-19 tests before permitting employees to enter the workplace. Also, in the updated "D.8.," the EEOC clarifies its existing position on what employers' authority is to invite employees not currently in the workplace to request disability accommodation in advance of their expected return if they choose to do so.

The TAD, as updated, is divided into 10 subjects:

1. Disability-Related Inquiries and Medical Exams
2. Confidentiality of Medical Information
3. Hiring and Onboarding
4. Reasonable Accommodation
5. Pandemic-Related Harassment Due to National Origin, Race, or Other Protected Characteristics
6. Furloughs and Layoffs
7. Return to Work
8. Age
9. Caregivers/Family Responsibilities and
10. Pregnancy

We urge our clients and friends to review this new guidance and seek legal advice if you have questions about interpreting your obligations or rights under applicable employment laws or if you need assistance in wading through this and other extensive regulations and related guidance.

This article is general in nature and does not constitute legal advice. Please note that new guidance is being provided by authorities on a daily basis so please monitor new developments and guidance, including but not limited to our firm's COVID-19 Resource Center. Readers with legal questions should consult the authors, John Vering (jvering@sb-kc.com), Mark Opara (mopara@sb-kc.com), or other shareholders in Seigfreid Bingham's Employment Law Group, including: Shannon Johnson, Brenda

Hamilton, John Neyens, Julie Parisi, Christopher Tillery or your regular contact at Seigfreid Bingham at 816-421-4460.