**UPDATED OCTOBER 28, 2020**

**POLICY BRIEF**

**COVID 19: FEDERAL DISABILITY-SPECIFIC AND OTHER RELATED GUIDANCE**

Currently, state and local policymakers are adopting and implementing policies in response to the COVID-19 pandemic. This policy brief summarizes guidance issued by Federal Government agencies that can assist in ensuring state and local policy aligns with our nation’s civil rights laws and other disability-related policies.

These Federal Government agencies include the:

* [Equal Employment Opportunity Commission](#_EQUAL_EMPLOYMENT_OPPORTUNITY);
* [Centers for Disease Control and Prevention](#_CENTERS_FOR_DISEASE);
* [U.S. Department of Labor](#_DEPARTMENT_OF_LABOR);
* [U.S. Department of Health and Human Services, Office for Civil Rights](#_DEPARTMENT_OF_HEALTH);
* [U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services](#_U.S._DEPARTMENT_OF_1);
* [U.S. Department of Homeland Security, Federal Emergency Management Agency;](#_U.S._DEPARTMENT_OF)
* U.S. Food and Drug Administration; and
* U.S. Department of Justice.

Also included in this policy brief are resources developed by the [Job Accommodation Network](#_JOB_ACCOMMODATION_NETWORK), [Employer Assistance and Resource Network on Disability Inclusion](#_EMPLOYER_ASSISTANCE_AND), and [Partnership on Employment and Accessible Technology](https://www.peatworks.org/).

The **State Exchange on Employment & Disability (SEED)**, an initiative funded by the U.S. Department of Labor’s Office of Disability Employment Policy (ODEP), assists states in developing effective and inclusive workforce policies that promote disability employment. Recognizing that every state is unique, SEED offers policy options and resources states can tailor to meet their needs and goals. To this end, SEED partners with leading intermediary organizations that serve as trusted sources of information to state and local policymakers.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**The ADA and the Rehabilitation Act**

The Equal Employment Opportunity Commission (EEOC) released, “[What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws),” which was last updated on September 8, 2020.

This resource addresses disability-related topics such as:

* Disability-related inquiries and medical exams;
* Confidentiality of medical information;
* Hiring and onboarding;
* Reasonable accommodation; and
* Return to the workplace.

The guidance also addresses what an employer should know about COVID-19 and other equal employment opportunity laws such as Title VII of the Civil Rights Act, the Age Discrimination and Employment Act, and the Genetic Information Nondiscrimination Act.

More specifically, with respect to the ADA and the Rehabilitation Act, the guidance includes explanations relating to:

* With respect to disability-related inquiries and medical exams:
* Adopting screening protocols that are implemented consistent with advice from CDC and public health officials regarding whether, when, or for whom testing or other screening is appropriate;
* Requesting information from an employee who calls in sick, taking body temperatures of employees, and permitting viral tests to determine if an applicant or employee has an active case of COVID-19; and
* In accordance with current CDC Interim Guidelines, not allowing employers to require antibody testing before permitting employees to re-enter the workplace.
* With respect to confidentiality of medical information:
* Maintaining all information about an employee’s illness related to COVID-19 as a confidential medical record; and
* The fact that information related to COVID-19 is considered medical information does not prevent the manager from reporting to appropriate employer officials so that they can take action, consistent with guidance from CDC and other public health officials.
* With respect to the provision of reasonable accommodations, examples (such as telework and modified protective gear) and explanations on how the ADA applies when an employer knows that an employee has a medical condition identified by CDC that might place him or her at “higher risk for severe illness” and is concerned that his or her health will be jeopardized upon returning to the workplace, but the employee has not requested an accommodation.
* With respect to returning to the workplace, modifications or lifting of government stay-at-home orders and other restrictions in an employer’s area, inviting employees to request flexibility in advance of returning to the workplace, and employee screening (including alternative methods of screening) that is consistent with advice from CDC and public health authorities for their workplace.

**Pandemic Preparedness and the ADA**

The EEOC updated its resource, “[Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](https://www.eeoc.gov/facts/pandemic_flu.html),” on March 21, 2020 in response to COVD-19. This guidance document provides background information on pandemics and ADA requirements and standards, and addresses topics such as disability-related inquiries and medical examinations; direct threat affirmative defense; and reasonable accommodations. The document also provides guidance for employers on requirements and restrictions before, during, and after a pandemic.

**EEOC Webinar on COVID-19**

On March 27, 2020, to supplement these documents, the EEOC posted a pre-recorded webinar addressing questions arising under any of the Federal Equal Employment Opportunity Laws and the COVID-19 pandemic. The video can be [seen on YouTube](https://www.youtube.com/watch?v=X50G7l41NKg). A [transcript of the webinar](https://www.eeoc.gov/coronavirus/webinar_transcript.cfm) is also available.

**Additional Information**

Additional information and updates from the EEOC are available on its [Coronavirus and COVID-19 webpage](https://www.eeoc.gov/coronavirus/).

## CENTERS FOR DISEASE CONTROL AND PREVENTION

**People with Disabilities**

The Centers for Disease Control and Prevention (CDC) provides guidance to people with disabilities through a dedicated [webpage](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html) that identifies those who may be at increased risk of COVID-19, suggests precautions, and highlights several ways people with disabilities can prepare during the outbreak.

In addition, CDC issued the following guidance:

* [People Who Need to Take Extra Precautions](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html)
* [Assessing Risk Factors for Severe Covid-19 Illness](https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/assessing-risk-factors.html)
* [Evidence Used to Update the List of Underlying Medical Conditions that Increase a Person’s Risk of Severe Illness from COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/evidence-table.html)
* [Employers with Workers at High Risk](https://www.cdc.gov/coronavirus/2019-ncov/community/high-risk-workers.html)
* [Considerations for Community-Based Organizations](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/community-based.html)
* [Children and Youth with Special Healthcare Needs](https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Children-and-Youth-with-Special-Healthcare-Needs)
* [Considerations When Preparing for COVID-19 in Assisted Living Facilities](https://www.cdc.gov/coronavirus/2019-ncov/hcp/assisted-living.html)
* [Guidance for Group Homes for Individuals with Disabilities](https://www.cdc.gov/coronavirus/2019-ncov/community/group-homes.html)
* [Guidance for Shared or Congregate Housing](https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html)
* [Guidance for Direct Service Providers](https://www.cdc.gov/coronavirus/2019-ncov/hcp/direct-service-providers.html)
* [People with Developmental and Behavioral Disorders](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-developmental-behavioral-disabilities.html)
* [Guidance for Direct Service Providers, Caregivers, Parents, and People with Developmental and Behavioral Disorders](https://www.cdc.gov/coronavirus/2019-ncov/hcp/developmental-behavioral-disorders.html)
* [Testing Guidelines for Nursing Homes](https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-testing.html)
* [Toolkit: One Health Approach to Address Companion Animals with SARS-CoV-2](https://www.cdc.gov/coronavirus/2019-ncov/animals/toolkit.html)
* [COVID-19 Questions and Answers: For People Who Use Drugs or Have Substance Use Disorder](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/other-at-risk-populations/people-who-use-drugs/QA.html)
* [COVID-19 Employer Information for Paratransit Operators](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/paratransit-employers.html)
* [What Paratransit Operators Need to Know about COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/paratransit-employees.html)
* [People with Certain Medical Conditions](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html)
* [Testing Guidelines for Nursing Homes](https://www.cdc.gov/coronavirus/2019-ncov/hcp/nursing-homes-testing.html)

**Employers and Businesses**

CDC developed a [Toolkit for Businesses and Workplaces](https://www.cdc.gov/coronavirus/2019-ncov/communication/toolkits/business-workplaces.html) (updated July 17, 2020). The Toolkit addresses frequently asked questions and provides guidance and planning documents, web resources, factsheets, and other resources.

On July 22, 2020, CDC updated [SARS-CoV-2 Testing Strategy: Considerations for Non-Healthcare Workplaces](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/testing-non-healthcare-workplaces.html). **This document provides guidance on the appropriate use of testing and does not dictate the determination of payment decisions or insurance coverage of such testing, except as may be otherwise referenced (or prescribed) by another entity or federal or state agency.**

On September 18, 2020, CDC updated [Overview of Testing for SARS-CoV-2 (COVID-19)](https://www.cdc.gov/coronavirus/2019-ncov/hcp/testing-overview.html), which includes a summary of considerations and current CDC recommendations regarding SARS-CoV-2 testing. Due to the significance of asymptomatic and pre-symptomatic transmission, this updated guidance further reinforces the need to test asymptomatic persons, including close contacts of a person with documented SARS-CoV-2 infection.

On September 11, 2020, CDC updated guidance on [Returning to Work](https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/returning-to-work.html), including considerations for returning to work and how to protect yourself and others in the workplace.

CDC issued specific guidance for employers titled [Employers with Workers at High Risk](https://www.cdc.gov/coronavirus/2019-ncov/community/high-risk-workers.html), recognizing that as workplaces consider a gradual scale up of activities towards pre-COVID-19 operating practices, it is particularly important to keep in mind that some workers are at [higher risk for severe illness](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html) from COVID-19.

The CDC webpage, [Resources for Businesses and Workplaces](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html) (updated September 2, 2020), includes three recorded conference calls, as well as guidance on deciding when to open, mitigation strategies, prevention and support, and more.

On October 21, 2020, CDC issued [Investigating and Responding to COVID-19 Cases in Non-Healthcare Work Settings](https://www.cdc.gov/coronavirus/2019-ncov/php/open-america/non-healthcare-work-settings.html).

**Healthcare Professionals**

CDC’s [Coronavirus Disease 2019 Information for Healthcare Professionals](https://www.cdc.gov/coronavirus/2019-ncov/hcp/index.html) webpage (updated August 16, 2020) provides an overview of what healthcare providers should know about COVID-19, as well as answers to frequently asked questions. The resource also addresses more specific topics, such as guidance for healthcare providers on COVID-19 and pregnant women and those with underlying medical conditions; for public health personnel evaluating persons under investigation; for collection and submission of postmortem specimens; for clinical and home care; and more.

[Health Care Professionals: Frequently Asked Questions](https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Healthcare-Professionals-and-Health-Departments) (updated September 18, 2020) provides responses to questions asked by health care professionals, including recommendations on cleaning and disinfecting, visitation, animals, and more.

[Using Telehealth Services](https://www.cdc.gov/coronavirus/2019-ncov/hcp/telehealth.html) (added June 10, 2020) describes the landscape of telehealth services and provide considerations for healthcare systems, practices, and providers using telehealth services to provide virtual care during and beyond the COVID-19 pandemic.

[Interim U.S. Guidance for Risk Assessment and Work Restrictions for Healthcare Personnel with Potential Exposure to COVID-19](https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html) (added June 18, 2020) assists with assessment of risk, monitoring, and work restriction decisions for Healthcare Providers with potential exposure to COVID-19.

[Interim Operational Considerations for Public Health Management of Healthcare Workers Exposed to or with Suspected or Confirmed COVID-19: Non-U.S. Healthcare Settings](https://www.cdc.gov/coronavirus/2019-ncov/hcp/non-us-settings/public-health-management-hcw-exposed.html) (added September 12, 2020) are intended to be used by healthcare facilities and public health authorities in non-US healthcare settings, particularly focusing on low- and middle-income countries, assisting with the management of healthcare workers exposed to a person with confirmed or suspected COVID-19.

[Criteria for Return to Work for Healthcare Personnel with SARS-CoV-2 Infection (Interim Guidance)](https://www.cdc.gov/coronavirus/2019-ncov/hcp/return-to-work.html) (updated August 10, 2020). Guidance for occupational health programs and public health officials making decisions about return to work for healthcare personnel with confirmed or suspected COVID-19.

**Additional CDC Guidance**

Additional information and guidance from CDC are available on its [Coronavirus Disease 2019 webpage](https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc). This website lists all CDC guidance in chronological order.

## U.S. DEPARTMENT OF LABOR

The U.S. Department of Labor (USDOL) website includes a special section identifying [Coronavirus Resources](https://www.dol.gov/coronavirus), including the following:

**Workplace Safety**

USDOL’s Occupational Safety and Health Administration (OSHA) offers resources to help employers and workers prepare for and respond to coronavirus in the workplace:

* [OSHA Guidance on Preparing Workplaces for COVID-19](https://www.dol.gov/newsroom/releases/osha/osha20200309) – Developed in collaboration with the U.S. Department of Health and Human Services to help employers respond in the event of coronavirus in the workplace.
* [Temporary OSHA Guidance on Respiratory Protection Standard](https://www.dol.gov/newsroom/releases/osha/osha20200314) – Provides suggestions and options to help increase the availability of N95 filtering facepiece respirators for healthcare providers.
* [COVID-19 Webpage](https://www.osha.gov/SLTC/covid-19/) – Provides infection prevention information specifically for employers and workers.

**Wages, Hours and Leave**

USDOL’s Wage and Hour Division (WHD) provides [information on common issues employers and workers face when responding to COVID-19](https://www.dol.gov/agencies/whd/pandemic), including the effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act.

On September 11, 2020, the WHD announced revisions to regulations that implement the paid sick leave and expanded family and medical leave provisions of the Families First Coronavirus Response Act (FFCRA). According to the WHD, the revised rule clarifies workers’ rights and employers’ responsibilities regarding FFCRA paid leave. The rule was issued in light of the U.S. District Court for the Southern District of New York’s August 3, 2020, decision invalidating portions of the relevant regulations. The revisions allow WHD to enforce critical legal protections for millions of workers fully and fairly.

The Department issued its initial temporary rule implementing provisions under the FFCRA on April 1, 2020. Read the revised [rule](https://www.federalregister.gov/documents/2020/09/16/2020-20351/paid-leave-under-the-families-first-coronavirus-response-act) will take effect on September 16, 2020.

Additional guidance includes:

* [Field Assistance Bulletin (FAB) 2020-5](https://accses.us6.list-manage.com/track/click?u=83f2bf25c4391de9e70589b76&id=ed88d393c5&e=907a0bb98b) (August 24, 2020) clarifies an employer’s obligation to track the number of hours of compensable work by employees who are teleworking or otherwise working away from premises controlled by their employers. This guidance applies to all telework or remote work arrangements, not just those that have developed due to COVID.
* [Guidance for the Lost Wages Assistance Program to Provide Needed Relief to Americans](https://www.dol.gov/newsroom/releases/eta/eta20200812-0) (August 13, 2020)
* [Additional Guidance on Wage and Hour Rules, Family and Medical Leave as Workplaces Reopen](https://www.dol.gov/newsroom/releases/whd/whd20200720-0) (July 20, 2020)
* [Webinars for Business Owners, Employers and Other Stakeholders on Coronavirus-Related Paid Leave](https://www.dol.gov/newsroom/releases/whd/whd20200715-0) (July 15, 2020)

**Unemployment Insurance Flexibilities**

*NOTE:* [*Check with your state’s unemployment insurance program*](https://www.careeronestop.org/LocalHelp/UnemploymentBenefits/find-unemployment-benefits.aspx) *regarding the rules in your state.*

On March 12, 2020, USDOL’s Employment and Training Administration (ETA) announced [new guidance outlining state flexibilities in administering their unemployment insurance programs to assist Americans affected by the COVID-19 outbreak](https://www.dol.gov/newsroom/releases/eta/eta20200312-0).

Under the guidance, federal law permits significant flexibility for states to amend their laws to provide unemployment insurance benefits in multiple scenarios related to COVID-19. For example, federal law allows states to pay benefits where:

* An employer temporarily ceases operations due to COVID-19, preventing employees from coming to work;
* An individual is quarantined with the expectation of returning to work after the quarantine is over; and
* An individual leaves employment due to a risk of exposure or infection or to care for a family member.

In addition, federal law does not require an employee to quit in order to receive benefits due to the impact of COVID-19.

**Federal Contractors**

On March 18, 2020, the Office of Federal Contract Compliance Programs issued a [National Interest Exemption to facilitate response efforts for COVID-19](https://www.dol.gov/newsroom/releases/ofccp/ofccp20200318) to facilitate response efforts for COVID-19.

**Support for Dislocated Workers and States**

On March 18, 2020, USDOL’s ETA announced the availability of up to $100 million in [National Health Emergency Dislocated Worker Grants](https://www.dol.gov/newsroom/releases/eta/eta20200318) to help states, territories, and tribal governments respond to the workforce-related impacts of COVID-19.

**COVID-19 Quick Employment Tips**

USDOL released a series of "COVID-19 Quick Employment Tips" videos on May 1, 2020. The first is on supporting workers' mental health during the COVID-19 pandemic and features the Employer Assistance and Resource Network on Disability Inclusion's (EARN) Mental Health Toolkit. The second highlights resources and information on reasonable accommodations and COVID-19 from the Job Accommodation Network (JAN).

• [COVID-19 Quick Employment Tips: Mental Health](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA1MDguMjEyNDAzNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mYWNlYm9vay5jb20vZGVwYXJ0bWVudG9mbGFib3IvdmlkZW9zLzU0NTU2NDg3MzAzNjYwNi8ifQ.XQ2vlU4F64gYPWbbc8C4nJZ_yZRRf75LT3x5y_2MIMs/br/78406767715-l)

• [COVID-19 Quick Employment Tips: Reasonable Accommodations](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDIsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMDA1MDguMjEyNDAzNjEiLCJ1cmwiOiJodHRwczovL3d3dy5mYWNlYm9vay5jb20vZGVwYXJ0bWVudG9mbGFib3IvdmlkZW9zLzE2MDUwNjE4NTk2Njk2NDQvIn0.WQYhR-FMGBzc8cOgULP9-NoOOvWg57bwGXJxhmdKCmI/br/78406767715-l)

## U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE FOR CIVIL RIGHTS

**Civil Rights and HIPAA**

The U.S. Department of Health and Human Services’ (HHS) Office for Civil Rights (OCR) published a bulletin titled “[Civil Rights, HIPAA, and the Coronavirus Disease 2019](https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf)” on March 28, 2020 to help ensure that entities covered by civil rights authorities keep in mind their obligations under laws and regulations that prohibit discrimination on the basis of race, color, national origin, disability, age, sex, and exercise of conscience and religion in HHS-funded programs. The bulletin explains that persons with disabilities should not be denied medical care on the basis of stereotypes, assessments of quality of life, or judgments about a person’s relative “worth” based on the presence or absence of disabilities. Decisions by covered entities concerning whether an individual is a candidate for treatment should be based on an individualized assessment of the patient based on the best available objective medical evidence.

Additionally, government officials, health care providers, and covered entities should ensure all segments of the community are served by:

* + Providing effective communication with individuals who are deaf, hard of hearing, blind, and visually impaired using qualified interpreters, picture boards, and other means;
	+ Providing meaningful access to programs and information to individuals with limited English proficiency using qualified interpreters and through other means;
	+ Making emergency messaging available in plain language and in languages prevalent in the affected area(s) and in multiple formats, such as audio, large print, and captioning, and ensuring that websites providing emergency-related information are accessible;
	+ Addressing the needs of individuals with disabilities, including individuals with mobility impairments, individuals who use assistive devices or durable medical equipment, and individuals with immunosuppressed conditions including HIV/AIDS in emergency planning; and
	+ Respecting requests for religious accommodations in treatment and access to clergy or faith practices as practicable.

HHS’s OCR resolved two complaints involving COVID-19 rationing and the ADA (OCR press releases for resolutions to OCR complaints in [AL](https://www.hhs.gov/about/news/2020/04/08/ocr-reaches-early-case-resolution-alabama-after-it-removes-discriminatory-ventilator-triaging.html), [PA](https://www.hhs.gov/about/news/2020/04/16/ocr-resolves-civil-rights-complaint-against-pennsylvania-after-it-revises-its-pandemic-health-care.html), [TN](https://www.hhs.gov/about/news/2020/06/26/ocr-resolves-complaint-tennessee-after-it-revises-its-triage-plans-protect-against-disability.html), and [UT](https://www.hhs.gov/about/news/2020/08/20/ocr-resolves-complaint-with-utah-after-revised-crisis-standards-of-care-to-protect-against-age-disability-discrimination.html)). OCR also resolved a complaint in [Connecticut](https://www.hhs.gov/about/news/2020/06/09/ocr-resolves-complaints-after-state-connecticut-private-hospital-safeguard-rights-persons.html) involving visitation rights for persons with disabilities in hospitals who require support personnel.

In addition, HHS issued a document titled “[Crisis Standard of Care and Civil Rights Laws](https://files.asprtracie.hhs.gov/documents/crisis-standards-of-care-and-civil-rights-laws-covid-19.pdf).” This document highlights language from HHS’s OCR, National Academies of Science, Engineering and Medicine (NASEM), the Federal Emergency Management Agency (FEMA), and relevant laws that support the adherence to civil rights laws and disability rights laws in the application of Crisis Standards of Care during resource-constrained emergencies, such as the COVID-19 pandemic. On August 20, 2020, OCR resolved a case against [Utah](https://www.hhs.gov/about/news/2020/08/20/ocr-resolves-complaint-with-utah-after-revised-crisis-standards-of-care-to-protect-against-age-disability-discrimination.html) involving crisis standards of care.

## U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR MEDICARE AND MEDICAID SERVICES

The U.S. Department of Health and Human Services’ (HHS) Centers for Medicare and Medicaid Services (CMS) developed a [Coronavirus (COVID-19) Partner Toolkit](https://www.cms.gov/outreach-education/partner-resources/coronavirus-covid-19-partner-toolkit) to help stakeholders stay informed on CMS and HHS materials available on the COVID-19. CMS also updated its COVID-19 [Frequently Asked Questions (FAQs)](https://www.medicaid.gov/state-resource-center/downloads/covid-19-faqs.pdf) for State Medicaid and Children’s Health Insurance Program (CHIP) Agencies (updated June 30, 2020).

## U.S. FOOD AND DRUG ADMINISTRATION

The U.S. Food and Drug Administration (FDA) issued [guidance](https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-testing-sars-cov-2) on COVID-19 diagnostic testing about what may or may not be considered safe and accurate testing. In addition, FDA issued:

* [FAQs on Testing for SARS-CoV-2](https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-testing-sars-cov-2#offeringtests)
* [Policy for Coronavirus Disease-2019 Tests During the Public Health Emergency (Revised)](https://www.fda.gov/regulatory-information/search-fda-guidance-documents/policy-coronavirus-disease-2019-tests-during-public-health-emergency-revised)

## U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY

On April 9, 2020 the U.S. Department of Homeland Security’s (DHS) Federal Emergency Management Agency (FEMA) issued a [Bulletin](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjQhP2iu_DoAhV-hHIEHeFoAWsQFjAAegQIAhAB&url=https%3A%2F%2Fwww.fema.gov%2Fmedia-library-data%2F1586893628400-f21a380f3db223e6075eeb3be67d50a6%2FEnsuringCivilRightsDuringtheCOVID19Response.pdf&usg=AOvVaw1gj5MhU8jIPTerwm8pZ1Pl) on civil rights titled, “[Ensuring Civil Rights During the COVID-19 Response](https://www.fema.gov/media-library-data/1586893628400-f21a380f3db223e6075eeb3be67d50a6/EnsuringCivilRightsDuringtheCOVID19Response.pdf).” The Bulletin addresses topics such as:

* Effective communication access;
* Inclusive planning, response, and recovery;
* Language and physical accessibility;
* Civil rights complaints; and
* Additional resources.

FEMA hosted a two-part webinar series on how to create effective, accessible communications throughout the disaster cycle:

* [Part 1: Effective ACCESSIBLE Communications (August 20, 2020)](https://click.icptrack.com/icp/relay.php?r=110697634&msgid=913312&act=8XUJ&c=654309&destination=https%3A%2F%2Ffemacqpub1.connectsolutions.com%2Fcontent%2Fconnect%2Fc1%2F7%2Fen%2Fevents%2Fevent%2Fshared%2F148225860%2Fevent_landing.html%3Fsco-id%3D146601323&cf=1190&v=42ca08041bd85420adc45f9a3f5ce1e845acd9a79a1d63d773f50488ed4b7720) - provided an overview of various effective and accessible methods of communication, including plain language writing and use of virtual platforms and their accessibility challenges.
* [Part 2: Effective ACCESSIBLE Communications (August 27, 2020)](https://click.icptrack.com/icp/relay.php?r=110697634&msgid=913312&act=8XUJ&c=654309&destination=https%3A%2F%2Ffemacqpub1.connectsolutions.com%2Fcontent%2Fconnect%2Fc1%2F7%2Fen%2Fevents%2Fevent%2Fshared%2F148225860%2Fevent_landing.html%3Fsco-id%3D147301107&cf=1190&v=2bee1b98f5779efc13951ace54a3a0347e302dc2115c20bc0769c0b1fffcd1dd) - provided useful resources for print, television, and radio communication strategies, and will offer specific tools to help write for various audiences.

## U.S. DEPARTMENT OF JUSTICE

The Assistant Attorney General for Civil Rights at the U.S. Department of Justice (DOJ) [Eric S. Dreiband](https://www.justice.gov/crt/staff-profile/assistant-attorney-general) issued a statement titled “[Protecting Civil Rights While Responding to the Coronavirus Disease 2019 (COVID-19)](https://www.justice.gov/file/1271776/download).” The statement was issued to ensure that victims of illegal discrimination know where to turn if their civil rights are violated.

## JOB ACCOMMODATION NETWORK

The Job Accommodation Network’s (JAN) [Coronavirus Disease 2019 (COVID-19)](https://askjan.org/topics/COVID-19.cfm#spy-scroll-heading-1) webpage highlights strategies that employers covered by the ADA should keep in mind when dealing with communicable diseases such as COVID-19 in the workplace.

**Accommodation Strategies for Returning to Work During the COVID-19 Pandemic**

JAN published a blog post “[Accommodation Strategies for Returning to Work During the COCID-19 Pandemic](https://askjan.org/blogs/jan/2020/08/accommodation-strategies-for-returning-to-work-during-the-covid-19-pandemic.cfm).” In this blog, JAN offers general strategies for accommodating employees with disabilities to return to work during the COVID-19 pandemic.

**The ADA and Reasonable Accommodations**

JAN published a blog post, “[The ADA and Managing Reasonable Accommodation Requests from Employees with Disabilities in Response to COVID-19](https://askjan.org/blogs/jan/2020/03/the-ada-and-managing-reasonable-accommodation-requests-from-employees-with-disabilities-in-response-to-covid-19.cfm)” that addresses topics such as employer requirements around providing reasonable accommodations under the ADA in response to the pandemic coronavirus situation; who can receive reasonable accommodations under the ADA; and disability-related documentation for accommodation requests related to reducing risk of exposure to the coronavirus.

**Stress and Mental Health Conditions**

Another JAN blog post, “[Coronavirus (COVID-19), Stress, and Mental Health Conditions](https://askjan.org/blogs/jan/2020/03/coronavirus-covid-19-stress-and-mental-health-conditions.cfm),” recognizes that temporary accommodations may help all employees who are feeling increased stress and facing personal difficulties at this time, and provides information on the ADA and the coronavirus, and accommodation compliance.

Recent articles by JAN concerning COVID-19 and reasonable accommodations include:

* [Engaging in the Interactive Process During the COVID-19 Pandemic](https://askjan.org/articles/Engaging-in-the-Interactive-Process-During-the-COVID-19-Pandemic.cfm)
* [Masks as an Accommodation Tool](https://askjan.org/articles/Masks-as-an-Accommodation-Tool.cfm)
* [Teleconference Accessibility and Hearing-Keeping Deaf and Hard of Hearing Employees in the Loop](https://askjan.org/articles/Teleconference-Accessibility-and-Hearing-Keeping-Deaf-and-Hard-of-Hearing-Employees-in-the-Loop.cfm)

## EMPLOYER ASSISTANCE AND RESOURCE NETWORK ON DISABILITY INCLUSION

In August 2020, The Employer Assistance and Resource Network on Disability Inclusion’s (EARN) developed a policy brief “[COVID-19 and Job Applicants and Employees with Disabilities: Emerging Practices to Employ and Protect Workers](https://askearn.org/wp-content/uploads/2020/08/EARN_2020_Covid19-PolicyBrief.pdf).” The policy brief highlights emerging practices that employers may use as workers return to the workplace during and after the COVID-19 pandemic in ways that facilitate equal employment opportunity for qualified individuals with disabilities and protect the health and safety of all employees.

The EARN [March/April Newsletter Special Edition on COVID-19](https://askearn.org/news-events/newsletters/march-april-2020-newsletter-special-covid-19-edition/) provides resources that can assist employers and others in understanding the intersection between the pandemic and disability employment policies and practices.

On April 1, 2020, EARN hosted a webinar titled, “[The ADA at Work: Considerations for COVID-19](https://askearn.org/training-center/webinars/the-ada-at-work-considerations-for-covid-19/)” to discuss balancing guidance on COVID-19 containment from CDC with EEOC guidance on the ADA. Guest experts from two regional ADA Centers presented on the implications of the pandemic on disability-related inquiries, medical examinations, and interpreting direct threat. Reasonable accommodations for telework, requests for which have spiked due to the required social distancing period, was also discussed.

## PARTNERSHIP ON EMPLOYMENT AND ACCESSIBLE TECHNOLOGY

The Partnership on Employment and Accessible Technology (PEAT) developed a webpage on [Telework and Accessibility](https://www.peatworks.org/futureofwork/a11y/telework), which highlights resources to help equip employers with the information needed to ensure the digital workplace is accessible to everyone, including people with disabilities.

**Telework and Accessibility**

Many employers and employees have shifted to telework. PEAT developed a [toolkit](https://peatworks.org/digital-accessibility-toolkits/telework-and-accessibility/) to help with the transition to ensure employers’ digital communications and platforms are as accessible as possible for everyone, including people with disabilities. This suite of resources offers information on creating accessible content, hosting accessible meetings and presentations, recruiting and hiring best practices, tips for teleworkers, and more.