



employees put to the test

Employers May Test Employees for COVID-19 Before Allowing Their Return to Workplace, EEOC Says

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The U.S. Equal Employment Opportunity Commission ("EEOC") said in [guidance](#) released Thursday that employers may administer COVID-19 testing to employees in order to determine if they have the virus, prior to permitting them to return to the workplace. The agency stated that this latest expansion of practical coronavirus pandemic guidance is consistent with the Americans with Disabilities Act ("ADA"), which requires that any mandatory medical test of employees be "job related and consistent with business necessity." The EEOC has previously instructed employers to maintain COVID-19 employee health screening information and data (which includes temperature readings) confidential, as required under the ADA.

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