



e-Alert

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EEOC Offers Additional FAQs for Employers Returning to Work

Background

Employers are facing many challenges as they begin implementing their return-to-work plans. One of these challenges is how to protect their employees and create a safe work environment during COVID-19 without violating the Americans with Disabilities Act (ADA) or other EEO laws and regulations. To help employers navigate this difficult topic, the Equal Employment Opportunity Commission (EEOC) has issued additional FAQs for employers. You can find a full list of the EEOC's FAQs [here](#) and read our summary of the newest ones below.

Summary

Here is a summary of the EEOC's newest FAQs issued on May 7, 2020.

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- The EEOC enforces workplace antidiscrimination laws, including the Americans with Disabilities Act (ADA), the Rehabilitation Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act related to return-to-work plans;
- EEO laws remain in effect during the COVID-19 pandemic, but they should not prevent employers from following CDC guidelines or guidance from state and local public health authorities when it comes to preventing the spread of COVID-19. The guidance from public health authorities will continue to change and evolve, so employers should remain flexible and be sure to follow the most updated information when making policy decisions.
- The EEOC has issued specific guidance to help employers balance pandemic preparedness with the requirements of the ADA and other antidiscrimination laws, which can be found [here](#). This guidance was initially issued during the H1N1 outbreak of 2009, but it has been updated with some COVID-19-specific tips.

Employer Next Steps

- Employers should review the EEOC's most updated guidance to ensure they are correctly balancing the requirements of the ADA and other antidiscrimination laws with their need to protect the health and safety of their employees.
- If you are a Full-Service or Virtual HR client and are currently developing your return-to-work plans you can access our Return-to-Work Toolkit [here](#).

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