

Guidance for Employers Concerning Employees Returning to Work After COVID-19

04/17/20

We have previously blogged about [recording and reporting COVID-19 cases](#) and [what to do when an employee tests positive](#). This post will address what an employer should do when an employee out ill with COVID-19 wants to return to work.

Both the [CDC](#) and the EEOC have issued guidance about individuals ending home isolation and returning to work after having COVID-19. Employers should review and follow this guidance, which is summarized below.

The CDC Guidance on Ending Home Isolation

The CDC's guidance addresses when an individual with COVID-19 may end his or her home isolation and therefore, return to work. The CDC's guidance provides:

- If the employee is unable to have a COVID-19 test to ascertain contagiousness, he or she can stop isolation if (1) no fever has been present for at least 72 hours (without the use of medicine that reduces fevers); (2) symptoms have improved; and (3) at least seven days have passed since symptoms first appeared.
- If the employee is able to be tested for COVID-19, isolation may be ended if: (1) there is no fever (without the use of medicine that reduces fevers); (2) symptoms have improved; and (3) results from two tests taken 24 hours apart were both negative.

The EEOC's Guidance on Returning to Work

The EEOC specifically addresses what may be required of employees before returning to work in an FAQ. The FAQ provides that employers are permitted to require employees to provide a note certifying their fitness for duty. However, the EEOC notes that doctors and other health care professionals may be too busy during the current crisis to provide fitness-for-duty documentation. As such, the EEOC suggests that new approaches may be needed, such as having a clinic provide a form, a stamp, or an e-mail to certify that an individual does not have COVID-19.

If you are an employer with concerns about employees recovering from COVID-19 returning to the workplace, contact [Tracy Armstrong](#) or any member of the Wilentz [Employment Law Team](#).

Attorney

- Tracy Armstrong

Practice

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