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Can Employers Force Me to Submit to COVID-19 Testing?

Can your employer force you to use a mask, be tested for COVID-19, or submit to having daily temperature checks? I checked the Equal Employment Opportunity Commission for answers. The Commission says your employer can check your temperature daily and ask about symptoms. Your employer can also require you to wear a mask, other protective equipment, social distance and wash your hands.

Your employer can also choose to test you for COVID-19 as long as the test is reliable. Interestingly, although the Commission does not require it, the National Law Review suggests employers get consent. Regarding contact tracing, the Commission says nothing but a law firm says contact tracing apps are not prohibited. That said, it's unclear whether an employer could mandate your use of these apps for contact tracing.

“What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws,” U.S. Equal Employment Opportunity Commission, Updated on May 7, 2020: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

“Passing the Test: EEOC Clarifies That Employers May Test of COVID-19,” Scott M. Gilbert, National Law Review, May 1, 2020: <https://www.natlawreview.com/article/passing-test-eeoc-clarifies-employers-may-test-covid-19>

“Going Back to Work: Employer Use of ‘Apps’ on Employee PDAs/Smart Phones for COVID-19 Contact Tracing,” Ropes & Gray, May 1, 2020: <https://www.ropesgray.com/en/newsroom/alerts/2020/05/Going-Back-to-Work-Employer-Use-of-Apps-on-Employee-PDAs-Smart-Phones-for-COVID-19-Contact-Tracing>

Presented daily by Twila Brase, President, Citizens' Council for Health Freedom.

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