

EEOC's Move on Long COVID-19 Creates Liability for Employers, Business Insurance, quoted Allyson Thompson, Sept. 28, 2021

The U.S. Equal Employment Opportunity Commission's recognition that long COVID-19 may be considered a disability under the Americans with Disabilities Act is expected to increase employers' potential liability. The condition includes lingering symptoms felt by people recovering from COVID-19, such as fatigue, "brain fog," shortness of breath and dizziness upon standing, according to the U.S. Centers for Disease Control and Prevention.

The severity of long COVID-19 symptoms varies and much remains unknown about the condition, including how many people it affects and how long the symptoms will last.

The U.S. Department of Health and Human Services and the U.S. Justice Department issued joint guidance on treating long COVID-19 as a disability under the ADA in June, and the EEOC says in a notice on its website it expects to issue similar guidance.

The federal ADA, which has parallel state laws, requires employers with 15 or more employees to provide reasonable accommodations to qualified employees if they can do their job without causing the employer "undue hardship."...

The move by the EEOC will create further challenges for employers that also are trying to understand the complex interactive accommodation process required, said Allyson K. Thompson, a partner with Kaufman Dolowich Voluck LLP in Los Angeles.