



ADA Live!

Episode 104: Employment, ADA and Post COVID-19 Health

Broadcast Date: April 6 2022

Guest: Sharon Rennert - Senior Attorney Advisor, in the Division of the Americans with Disabilities Act and Genetic Information Nondiscrimination Act (ADA/GINA), Office of Legal Counsel in the U.S. Equal Employment Opportunity Commission (EEOC)

Host: Pamela Williamson – Assistant Director Southeast ADA Center

Recording: adalive.org/episodes/episode-104/

Sharon Rennert: Hello, I'm Sharon Rennert, and you are listening to ADA Live!

Intro: Yo. Hi, let's roll (singing)

Pam Williamson:

Hello everyone. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, welcome to ADA Live! I am Pam Williamson, the assistant director of the Southeast ADA Center. Listening audience, if you have questions about the Americans with Disabilities Act, you may use the online forum anytime at adalive.org.

Pam Williamson:

As we enter into year three of the pandemic, some people who have had COVID-19 have developed post COVID health conditions that result in long term physical impairments and

organ damage. These post COVID health conditions could impact one or more major life activities and may trigger protections under the Americans with Disabilities Act or ADA. In addition, these post COVID health conditions have a significant impact on the economy and on our workforce.

Pam Williamson:

In this episode, we will discuss the impact of COVID-19 and post COVID health conditions on employment, employees, and employers, as it relates to the ADA. Our guest for this episode is Sharon Rennert, senior attorney advisor in the Americans with Disabilities Act, ADA, and Genetic Information Non-discrimination Act, G-I-N-A or GINA, Division of the Office of Legal Counsel with the US Equal Employment Opportunity Commission also known as EEOC.

Pam Williamson:

Sharon, we are thrilled that you're our guest today, and we welcome you to the ADA Live! One of the overriding questions with COVID-19 has been whether it constitutes a disability under the Americans with Disabilities Act. In December 2021, the EEOC added a section to its online publication, addressing the issue of COVID-19, disability, and the ADA. What are the major points that are addressed in this document?

Sharon Rennert:

Well, first of all, thank you so much for having me as your guest today. An answer to your question, yes, in our primary COVID online publication, what we call What You Should Know about COVID-19, last December we added a whole new section, Section N as in Nancy, that walks people through the ADA's definition of disability and how it applies to an individual with COVID-19, or as you've already mentioned, long COVID. There are actually three different definitions in the ADA. And we focus on all three. For individuals who are not necessarily familiar with the ADA's definition of disability, don't worry. We begin Section N in our What You Should Know about COVID-19 by explaining the three different definitions in general. And then we start applying them to COVID-19.

Sharon Rennert:

Let's focus on the two primary definitions that will tend to come up. The first one is often referred to as having an actual disability. So somebody currently has COVID-19, or what may progress from COVID-19, long COVID. I'll talk more about that in a moment. And under this definition, a person has not just the impairment, COVID-19, long COVID, any kind of impairment, but that impairment has to substantially limit a major life activity. Sorry, I have to use legal terms with it, but don't get worried or scared by that. But again, we go through this slowly step by step, that the easy part identifying the impairment COVID-19, but does it substantially limit a major life activity?

Sharon Rennert:

EEOC makes clear not everyone with COVID-19 will meet this definition of disability. For example, people who are asymptomatic will not meet this definition. There's no substantial limitation in anything that would be considered a major life activity. People who have fairly minor symptoms, or I know when I'm sick nothing ever seems minor, so your manifestation of COVID is pretty miserable for a week or two weeks, but then the symptoms go away and they don't come back and they never develop into what we call long COVID or post COVID. It's all over and done with, like a bad case of the flu or a bad case of bronchitis. Not fun to go through, but it's over and done with, that can't be a disability.

Sharon Rennert:

We look always under the ADA at the individual's disability. We don't look at the name. It's not like COVID-19. It's either all are disability or none of it's a disability. It's each individual. And what EEOC has done in this document is walk people through when it can be a disability, when it will not be. We have all kinds of examples and illustrations, and there are various rules that the law requires anyone, be it the EEOC, an employee, an employer, to walk through to determine for this individual is it a disability.

Sharon Rennert:

A different definition of disability is where the employer is kind of an active player. And that's where an employer regards someone as having a disability. So they would regard someone with COVID-19 as having a disability. And there, what we would look at is first of all, the employer has to take what you might think of as a negative employment action. What's a negative employment action? Well, it's from the perspective of an employee or an applicant. So you withdraw a job offer. I'm an applicant, that's a negative employment action. If you were to fire me as an employee, that's a negative employment action. If you were to deny me a promotion, a negative employment action. If you have a negative employment action taken because of, in this instance COVID-19, or what the employer perceives to be COVID-19.

Sharon Rennert:

What does that mean perceiving it to be COVID-19? We're in the middle of allergy season right now. So my employer hears me sniffing, coughing a little bit, sneeze. My eyes are a bit red. And jumps to the conclusion, "Oh, Sharon has COVID-19." Well, no, I don't. I actually have allergies right now. The employer doesn't get the real information, but instead decides, "Oh, we don't want Sharon around here." So they fire me because they believe mistakenly I have COVID-19. That's what can trigger this third definition of disability regarding somebody as having a disability.

Sharon Rennert:

Now, there's a lot of other kinds of considerations in that more than I think we want to go into right now. But let me point out about long COVID. This is something that starts with COVID-19. And unfortunately, it just doesn't go away for certain people. Medical science is learning more every day, every week about this condition. It can manifest in many different ways. Not everyone with COVID-19 will, thankfully, they won't develop long COVID. It's going by different names. That's how new this is. So I don't want people getting hung up on the name or that they're isn't yet a final diagnosis. But EEOC does address. This can very much fit within that first definition of disability, an actual disability because of the length of time it goes on, because of the ways it impacts people, because of the fact that there are many medical interventions that have to be taken to try to get

people better, to try to allow them to function. All of which can support a finding, it is a disability under the ADA.

Sharon Rennert:

So it makes very important for folks to go to the EEOC website, look at Section N, go through it carefully to see if one of the three definitions of disability could apply.

Pam Williamson:

Sharon, as always, we appreciate the EEOC has a document that's so comprehensive and uses a lot of examples to help folks understand the complex issues around ADA and COVID, so thank you so much.

Pam Williamson:

Let's get into a little bit more of a specific question on employment and COVID-19 and the ADA. What if you have an employer with fewer than 15 employees? Do they have to provide COVID related accommodations to an employee with a disability?

Sharon Rennert:

No. And what's significant here is the number of employees. The laws enforced by EEOC, specifically the ADA, American Disabilities Act, set a threshold. An employer is only covered under the ADA if it has 15, 1-5, 15 or more employee. So any employer that doesn't have that minimum number of 15 is not covered by the ADA. Therefore, ADA does not apply and there isn't an obligation to provide reasonable accommodation for anyone who would meet the definition of disability. But that said, employers, and for that matter employees, to check out state laws, and even in some cases, local laws. They're not required to have the same 15 employee threshold. So some state disability discrimination laws set a much lower threshold, maybe five employees or 10 employees, or even now it could be one employee, and even some local laws that address disability discrimination that lower threshold. So it's not just the ADA to pay attention to.

Pam Williamson:

Excellent. Well, let's go on and talk about an employer's obligations here. So does an employer have to continue to allow an accommodation of an employee with a disability work from home even if the employer has been calling their workforce back to work on site?

Sharon Rennert:

The answer is maybe. And I think what your question is getting at is where an employer shut down its workplace for however long it shut it down. And so it wasn't about on any particular employee with a disability having an accommodation to work from home. Everybody was sent home. Disability was irrelevant. But now in reopening, an employee comes forward and says, "I have a medical condition and because of that medical condition, I need to continue working from home at this point." Often, the request is in some way tied to issues created due to a disability by returning to a workplace. So this is how a request for reasonable accommodation comes up.

Sharon Rennert:

For example, many people who are immunocompromised who are being recalled, generally employees must come back to the workplace, now step forward and identify themselves as being immunocompromised and therefore COVID-19 still poses some risks to them, risks they're concerned about if they reenter the workplace at this time. But they're asking for the employer to allow them as a reasonable accommodation to continue teleworking.

Sharon Rennert:

There's no question these requests are coming in. They're coming in from a variety of people with different disabilities. I'm using being immunocompromised as one example. And actually, that's a category that covers an awful lot of different disabilities. It's not one group at all. But this is what now would require an employer, first of all, to seriously slow down. We don't want employer saying, "Hey, everyone has to come back. We're not making any exceptions. If we have to make an exception for one, we'll have to make an exception for others." Reasonable accommodation is about making exceptions to general

workplace rules, like everyone come back to the workplace. And it starts with the employer's right to learn more about, what is the disability? What's the condition? Is it a disability under the ADA? So we get back that issue. But it's not generally too hard to show that any given medical condition meets the ADA definition of disability, particularly in this circumstance where someone is asking to continue teleworking. Fairly minor medical conditions are unlikely to justify continuing telework.

Sharon Rennert:

So the real issue often will be about, why does a particular disability pose risks in terms of coming back into the workplace? What are the specific issues? Employers will be entitled to seek medical documentation, both to substantiate. It meets the definition of disability, but even more important, why is it problematic to come back into a workplace? But it really is important for employers to slow down here. If we have people who work in HR department listening to this podcast, not a bad idea to remind your frontline supervisor, frontline managers if they get these requests, "How do I handle them appropriately? What not to do?" Because I can tell you, we're already getting lots of discrimination complaints on this very issue. And from an employer's perspective, you don't want, first time you understand this has happened in your workplace, to be a letter from the EEOC telling you "We have a discrimination complaint."

Sharon Rennert:

So it doesn't hurt to remind people who to contact. Contact HR if you get this kind of request. And really the focus here being on, can somebody who needs to still work from home, do their job, do it fully? One very important piece of evidence is what happened during the lockdown. Did this person perform all duties or what the ADA calls the essential functions? Critical, fundamental job duties. Did they perform them all? Did they perform them satisfactorily? Did they meet deadline? If they could do all that during a period of a lockdown, why can't they continue to do it now?

Sharon Rennert:

Very important issue that we keep seeing, our employers who say, "Yeah, but it's so important to have everybody back together. We can't have a team spirit or team cohesion if somebody is still working remotely." Or we get some employers who say, "It's so important what happens when people walk down a hallway and they bump into each other and they start talking about work and great ideas come forth." I'm not making this up by the way. These are the justifications employers are using to explain why they won't provide accommodation. But I ask employers to think about this. How do you know pre pandemic that people walk down a hallway and bumped into each other and great ideas happened or that you can't have a team spirit if someone's working remotely? What were people doing during the lockdown, maybe made more of an effort to get in touch with each other because they were working remotely. Please, please be careful about those kinds of rationales.

Pam Williamson:

Sharon, it sounds like to me that you want us to make sure that we understand that reasonable accommodation and the interactive process truly are the keys to making this happen and to looking at each case individually, would that be correct?

Sharon Rennert:

Absolutely. And again, EEOC addresses this kind of situation in our What You Should Know about COVID-19 publication online. If you go to section D, D is in Diana, you can read all about various reasonable accommodation issues. But exactly as you were saying, the importance of employer and employee talking to each other, employers getting the information they need to make an informed decision.

Pam Williamson:

Well, thank you so much for that excellent information for us and for looking at the reasonable accommodation surrounding that particular issue.

Pam Williamson:

Now, Sharon, let's go into another situation. So what happens when an employee does not have a diagnosed disability, but they're afraid to return to the work site because they're afraid of getting COVID? What does an employer have to do? Do they have to accommodate that person?

Sharon Rennert:

They do not. An employer does not have to accommodate an employee who does not have a diagnosed disability. In other words, if it really is just "I'm nervous, I'm afraid. I don't want to come back yet to the workplace," that's not something that is covered under the ADA. There has to be a diagnosed disability. It doesn't mean that the employer and certainly with the assistance of HR, people can't find ways to deal with that. It's a real type of situation you're getting at, but it's not one addressed by the ADA.

Sharon Rennert:

But I do want employers, again, to slow down here, because I'm going to change your question just a little bit to reflect something we are seeing is where there is a diagnosed disability but it's the first time an employer is hearing about it. I've had a lot of employers call me and say, "Hey, this employee never told me before that they have an anxiety disorder or PTSD or a depressive disorder." And my response is, "Because they never had a need to tell you before there." And it was never a requirement, certainly not under the ADA or anything else for an employee to say, "Hey, I have an anxiety disorder and maybe one day, I'm going to need to ask for accommodation." But I raised these individuals with these types of disabilities because these are very real situations that are happening as workplaces reopen, people who definitely, because of a disability, are having more difficulty in making that transition back to the workplace.

Sharon Rennert:

Now, this doesn't mean in all instances that an employer has to grant ongoing telework as a reasonable accommodation, but an employer again needs to slow down, ask questions, get more information, potentially including medical documentation. There are people with these mental illnesses that are struggling in terms of issues around coming back to the

workplace. Not everyone with an anxiety disorder is, for example, having a problem coming back. Some of them are ready to go, want to come back. But again, it's very individualized. There are different approaches certainly to ongoing telework.

Sharon Rennert:

But for example, I've worked with a number of employers where we're using a concept from worker's compensation, work hardening. Working with an employee with the help and support of an employee's doctor. We don't ask someone to come back full time, but maybe it's one day a week. Maybe it's one morning or one afternoon a week to get them a little used to coming back. So if there is, as an example, an anxiety disorder, are there things that could be done differently, figuring differently in the workplace to help somebody cope with coming back? There are all kinds of techniques that can be used. ADA centers, job accommodation network, disability organizations, lots of help out there for employers and employees in terms of figuring out how to reintegrate somebody at the right time back into a workplace.

Pam Williamson:

Well, Sharon, I want to thank you for really making us aware of the potential issues that people who have anxiety disorders or other mental health disabilities might be having as we transition back into the workplace, and also too, reminding us that case by case basis and looking at things on an individual level is so very important. And not only that, that we can take advantage of the resources that are out there, so thank you so much for that.

Sharon Rennert:

You're welcome.

Pam Williamson:

All right. Well, ADA Live! listening audience, if you have questions about this topic or any other ADA Live! topics, you may submit your questions online at www.adalive.org, or call the Southeast ADA Center at 1-404-541-9001. And now a word from this episode's sponsor.

Speaker 4:

The US equal Employment Opportunity Commission, EEOC, is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex, including pregnancy, transgender status and sexual orientation, national origin, age, disability, or genetic information. EEOC laws apply to most employers with at least 15 employees and to employers with 20 employees in age discrimination cases. Most labor unions and employment agencies are also covered by EEOC laws. The EEOC laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages and benefits. For more information about the EEOC, visit their website at eeoc.gov.

Pam Williamson:

Welcome back everyone. We are thrilled to be talking with Sharon Rennert, the senior attorney advisor and the ADA, GINA Division of the Office of Legal Council with the US Equal Employment Opportunity Commission or EEOC. Before the break, we were talking about some of the obligations for employers as it relates to disability, the Americans with Disabilities Act, and COVID-19. This leads us to yet another question. Sharon, does an employer have the right to mandate that all employees wear face mask coverings?

Sharon Rennert:

That's actually not a question for me or for anybody really from the EEOC for the reason that none of the equal employment opportunity laws, the anti-discrimination laws that we enforce. Our laws neither would require employers to have mask mandates, nor would they prohibit employers from mandating that they're employees wear masks. That's just not within the jurisdiction of the EEOC. It's not something that comes out of our laws. However, as most people are aware, it doesn't mean that there aren't other federal laws that might require employers to have mask mandates, state or local, laws or edicts. The other thing I think people are aware at this time, that things are influx on this issue. CDC, the Centers for Disease Control and Prevention, recently changed its guidance on masks and when they should be worn and what circumstances.

Sharon Rennert:

One of the challenges for everybody during this pandemic is it's not static. It evolves, it changes. And as circumstances changes, as information changes, well, then these kinds of requirements can change. So not really a question I can answer except to say, if for whatever reason an employer does have a mask requirement for its workers, in that situation an employer needs to be prepared for a request for reasonable accommodation from an employee with a disability who says, "I know you're requiring everyone to wear masks here, but I cannot because of a medical condition I have." That is a request for reasonable accommodation under the ADA. And again, assuming it's an employer that's covered by the ADA, then you have to be prepared as with any employee saying, "Hey, because of a medical condition, I can't meet your job requirement." So that's where the EEOC and our laws come in play, is for whatever employers have a mask mandate and an employee is saying, "But I need you to make an exception."

Pam Williamson:

Well, thank you for that reminder of EEOC's roles and your statutes and regulations. It's always good to be reminded that we have other laws to look at too. And I do want to encourage folks to take a look at the Center for Disease Control and Prevention's website at [cdc.gov](https://www.cdc.gov). That is where you will find the most up to date information on mask and whether or not they're required. They now have a way for you to search by county as to what some of the requirements are and what the levels of COVID are.

Pam Williamson:

That really kind of leads us into another question too that can get kind of sticky, Sharon. We're talking about reasonable accommodations, if there is a mass mandate in place. But then we've also got vaccine mandates and people who either want to claim an exception to a vaccine because of a disability or they want to ask for an accommodation. So is that something people can ask for if there's a vaccine mandate in place?

Sharon Rennert:

Absolutely, they can ask for it. Whether they can get it is a different issue. But the first step in the process is an employee coming forward and acknowledging an employer's new rule. Everyone in this workplace must be vaccinated and saying, "Hey, but again, I have a medical condition. And because of that medical condition, I cannot be vaccinated." So that again is a request for reasonable accommodation for any employer who is covered under the ADA. You don't ignore it. You don't want to just say no. You want to be careful that you have a legitimate lawful reason to say no. So again, first thing an employer would be entitled to explore would be that the medical condition preventing vaccination, that the person has it, that it really does prevent being vaccinated.

Sharon Rennert:

Some medical conditions may not prevent vaccination, but may affect the timing. For example, someone with, say certain cancers undergoing certain treatment, now is not the time to be back vaccinated because the vaccine won't work as well. The treatment for the cancer may interfere with the effectiveness of the vaccine. So that's more a timing issue. So that may be the kind of accommodation that's needed. But if it's about, "I just can't be vaccinated." Employer should talk to the person. They may see seek medical documentation to explain why not. The CDC does address certain medical conditions that may preclude or interfere with being vaccinated. An employer could raise that CDC guidance with an employee's doctor, "Hey, the condition this employee has is not on the CDC list. So why can't they be vaccinated?" That can be a fair question.

Sharon Rennert:

What I do point out to employers is that while it's always good, as Pam just indicated, for people to check the CDC website, be up to date on what CDC is saying. CDC has to take what I call the 30,000 foot view. They have to look at things from a very high standpoint. They're not looking at one specific person. And it is possible that while CDC identifies certain medical conditions that may interfere with being vaccinated, it may not account for every person. And so you do want to go back to an employee's doctor and raise, "Hey, I don't see this condition on the CDC list. Why?" And the doctor may have a very good reason why this patient of theirs cannot be vaccinated. So it's a sort of a two-step

process. What does the CDC saying? But what does the doctor say? And if the person can't be vaccinated, well, then there are different issues to be looking at about whether there is an accommodation. "We can't have you vaccinated, but what does that mean for our workplace if we don't have you vaccinated?" So there's more considerations.

Pam Williamson:

And speaking of more considerations, I would think that one of those would be looking at the direct threat issue. Okay. Can you talk about that for just a moment?

Sharon Rennert:

Happy to do so. Direct threat, for those who do not recognize that term, it is a legal term in the Americans with Disabilities Act, in the ADA. It's the very high standard that the ADA sets for employers to show if there's a concern that due to a disability, an individual might pose a high level of risk either to themselves or to other people. So there are steps to be taken. And here I would strongly encourage employers absolutely, but also employees, to go to the EEOC website, to go to our COVID publication What You Should Know about COVID-19, go to K5, K5, because that's where we walk everyone through all the steps.

Sharon Rennert:

What does it mean, direct threat, and how do you assess it? And it begins with an employer understanding, number one, that the employee has a disability as defined by the ADA. Number two, that the disability does prevent vaccination. Number three, if this employee unvaccinated enters the workplace, would that because a direct threat to the health or safety of the employee or to others in the workplace? Because this is what it's really going to boil down to. Somebody remaining unvaccinated, does that pose risk?

Sharon Rennert:

K5 discusses the kinds of considerations that employers have to account for. What is it your concern? What's the bad thing that could happen if this person remains unvaccinated? They could get COVID-19. Somebody else. If they have COVID-19 because they're unvaccinated, they come into the workplace, they could spread it. Other

people. How do they interact with people? Let's take an obvious and simple example that will not always apply. Hey, if someone isn't going to come into the workplace, if their job requires that they always work remotely, and we've seen that with some employers, if they're never going to be in your workplace, then there's no risk to themselves and there's no risk to other people. So you want to know the very specific situations. What kinds of job duties? How would they interact with other people?

Sharon Rennert:

As we've noted, COVID changes over time. We're aware that the CDC recently said, "Hey, we don't think masks are required everywhere." And they set up a whole new system of how you can tell in your own community what level of risk there is and whether that requires wearing masks or not. That may all come into play in judging direct threat. Bottom line is, even if that very high level of risk exists, as with most situations under the ADA, is there a reasonable accommodation or multiple accommodations that would lower that high level of risk? And again, K5 discusses the role of reasonable accommodation. What may be types of accommodations that may be relevant? It's a lot. And that's why I really emphasize the importance of K5, especially for people for whom this whole concept may be new, that you can sort of read about it at your leisure and absorb perhaps better than just listening to me right now, try and walk you through this very significant issue.

Pam Williamson:

Well, Sharon, I do thank you for taking such a complex topic as direct threat and breaking it down for us. And as a reminder to everyone, that's K5 in the EEOC document on COVID-19. We will also have that available on the resource list.

Pam Williamson:

Now, Sharon, unfortunately I think we've all heard of stories of harassment in the workplace that have come about because of the COVID-19 pandemic. Are there tools that are available to employers or employees to reduce and address this type of workplace harassment?

Sharon Rennert:

There certainly are resources. The EEOC publication What You Should Know about COVID-19 Section E, section E, is totally devoted to this topic of harassment.

Interestingly, the very first lawsuit that EEOC has filed on harassment related to COVID-19 involved an employee with a disability. Many people when they think about COVID-19 and harassment, think about harassment geared to Asians or Asian-Americans, Chinese, Chinese-American, and that's real and that is addressed by another one of the laws that we enforce. But it's not limited to people who fall into those categories, which is why I raise our lawsuit which involved an employee with asthma who knew that he was at higher risk from COVID-19 if he were to crack it. And on his own initiative, he chose to wear a mask into the workplace. And the employer had a rule, nobody was allowed to be mask. So kind of the opposite of what we were dealing with a few minutes ago. Here, the employer was prohibiting anyone from wearing a mask. And employee explained why he was. As EEOC alleges in the lawsuit, what he was met with was derision and harassment.

Sharon Rennert:

So that's kind of a warning to show it's real. And absolutely employers have a key role to play. Number one, employers should not be harassing people based on disability or any other protected characteristic, but employers have a role to play in investigating and stopping harassment. And particularly front lines supervisors and managers, it's not a bad idea if workplaces are reopening that the message go out to those frontline supervisors and managers to be on the lookout for what might be harassment. That if they become aware, they're told harassing activity is happening, that they can't just turn away and ignore it. They have a key role to play. And all of this is addressed by the EEOC on our website, in our COVID publication. We have tools available.

Sharon Rennert:

You don't have to reinvent the wheel here. EEOC is taking long established guidance, long established tools for employers to help them address issues around harassment.

And we link to all of that. So it's all there available. But it starts with an appreciation that this is happening. It can happen. You want to be proactive as an employer. Sending out general messages, "This is a workplace that will not tolerate harassment." Reminding employees, if you feel your being harassed, who do they go to? Those are very good things for employers to do.

Pam Williamson:

Well, Sharon, as always, you have provided us with a wealth of information. So as we wrap up today, do you have any parting thoughts on where we're headed in terms of employment, the ADA, and COVID-19?

Sharon Rennert:

After two years of dealing with this pandemic, I'm very careful about prognostications, about where we're going because it's been one sort of curve fall after the other. But I do think it is important to use resources available, which is why we keep bringing up What You Should Know About COVID-19, how to get to it. It is a lengthy document. It is an evolving document. Meaning it's not static. We update existing questions and answers. We add new questions and answers, whole new sections if we need to. I'm fairly confident I can say there are more updates that will be coming. So it is a good idea for anyone involved in any way with any COVID-19 employment issues, be aware of that document.

Sharon Rennert:

But the final thought I have is how important three skills, I call them, can be to help everyone navigate these employment issues. The first is communication between employers and employees. It's important generally, but it's been very critical during the pandemic of talking to each other, asking questions, getting answers, listening to the responses on both sides. Very, very important.

Sharon Rennert:

Flexibility. That can be hard for most of us to be flexible. And yet the pandemic has really required it and it's been really helpful to navigate a lot of these issues the more flexible both employers and employees can be. And finally creativity, I have come up with accommodation ideas, so have people at the ADA centers and the job accommodation network and disability groups. We all compare notes. We've come up with accommodations we've never come up with before because of the circumstances. We've all been as creative as we can, with the goal being, to keep people working. And that's what I want everyone to focus on, is maybe they're going to do things in a different way, maybe they'll do it from a different location, but if the job can be done, isn't that the bottom line? So the kind of flexibility, creativity, to get to that bottom line of getting the job done. Thank you.

Pam Williamson:

Well, thank you. And you're right. If the pandemic has taught us nothing else, it has taught us the importance of communication, flexibility, and especially creativity as we get the job done. I really want to thank you for sharing your time and valuable information with us today. You have really helped us to see even more about employment, the Americans with Disabilities Act, EEOC's document, What You Should Know about COVID-19, and then just COVID-19 as it applies to all of these issues.

Pam Williamson:

I also want to make folks aware of another resource so that they can keep up with what's going on in the area of COVID, and that is the ADA National Network's ADA Disability and COVID-19 portal at [adacovid, C-O-V-I-D.org](http://adacovid.org). The portal is updated on a regular basis and we keep all of these wonderful resources at your fingertips in one place, including all of the EEOC documents that Sharon referenced today.

Pam Williamson:

As we close today, I want to remind you that you can access all of our ADA Live! episodes with archives audio, accessible transcripts and resources on our website at adalive.org. You may also listen SoundCloud ADA Live! channel at

soundcloud.com/adalive. And then you can download ADA Live! to your mobile device and your podcast app by searching for ADA Live!

Pam Williamson:

If you have questions about the Americans with Disabilities Act, you may use the online form at anytime at adalive.org, or contact your regional ADA center at 1-800-949-4232. All calls are free and confidential. ADA Live! is a program of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and a collaboration with the Disability-Inclusive Employment Policy Rehabilitation Research and Training Center. We also invite you to tune in to our companion podcast, Disability Rights Today, for in-depth discussions on important court cases that shape the Americans with Disabilities Act.

Pam Williamson:

Learn more and listen at disabilityrightstoday.org. Our producer is Celestia Ohrazda with Beth Miller Harrison, Mary Morder, Emily Rueber, Marsha Schwanke and Barry Whaley. Our music is from 4 Wheel City, The Movement 4 Improvement.

Barry Whaley:

ADA Live! is a program of the Southeast ADA Center, Burton Blatt Institute at Syracuse University and a collaboration with the disability, inclusive employment policy rehabilitation research and training center. Our producer is Celestia Ohrazda with Beth Miller Harrison, Mary Morder, Emily Rueber, Marsha Schwanke, and me, I'm Barry Whaley. Our music is from 4 Wheel City, The Movement 4 Improvement. See you next episode.

4 Wheel City: (rapping)

[End of Transcript]

Disclaimer: The contents of this publication are developed under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant #90DP0090-01-00). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The contents of this publication do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.

The information, materials, and/or technical assistance provided by the Southeast ADA Center are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA. The Southeast ADA Center does not warrant the accuracy of any information contained herein.

Any links to non-Southeast ADA Center information are provided as a courtesy, and are neither intended to, nor do they constitute, an endorsement of the linked materials. The Southeast ADA Center provides these links as a courtesy and does not endorse, take responsibility, or exercise control of the organization nor vouch for the accuracy or accessibility of the contents of the link destination. The information is intended solely as informal guidance and is neither a determination of legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

Contact for More Information or Assistance:

Southeast ADA Center

Email: ADAsoutheast@law.syr.edu

Phone: 404-541-9001