



### **Contractor screening of construction workers**

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The screening of employees before they can access the job site raises issues under the Americans with Disabilities Act (ADA). The EEOC administers the ADA, and has issued guidance, available here: [EEOC Guidance](#) Below is a summary of the guidance, in Q&A form, tailored to the construction industry. Please note that this guidance is current as of March 20, 2020, and is subject to change. Please refer to the EEOC Guidance linked above.

#### **What can contractors ask employees before granting access to the job site?**

Contractors may ask employees if they are experiencing symptoms of COVID-19. According to the EEOC, these include symptoms such as fever, chills, shortness of breath, and a cough or sore throat. But employers must maintain all information about employee illness confidential.

#### **Can contractors ask employees if they have underlying health issues that would make contracting COVID-19 more serious?**

No. But if an employee voluntarily discloses that he has a specific medical condition or disability that puts him or her at increased risk of COVID-19 complications, the contractor must keep whatever the employee discloses confidential.

#### **Can contractors take the temperature of employees?**

Yes. According to the EEOC, because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued related precautions, contractors may measure employees' body temperature. Councils and affiliated locals should, however, insist that the contractors be responsible for taking temperatures, as opposed to requiring employees to take their own temperatures. Construction workers – particularly travelers – may not have access to a thermometer, and the method of taking temperatures should be consistent.

#### **Should unions be doing their own screening when referring employees?**

No. Screening and questionnaires, etc., should be performed by the contractors.

#### **Can a contractor send an employee home and require them to stay home if they exhibit symptoms of COVID-19?**

Yes. The CDC states that employees who become ill with symptoms of COVID-19 should leave the workplace. The ADA does not interfere with employers following this advice.

#### **Can a contractor require an employee who has become ill with symptoms of COVID-19 and has left the job site to have a doctor's clearance in order to return?**

Yes.

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