

EEOC Updates Guidelines Regarding Employee COVID-19 Antibody Testing

On June 17, 2020, the EEOC issued an updated technical assistance publication which includes a discussion of whether employers may require that employees be tested for the COVID-19 antibody. The EEOC concluded that employers may not require such testing, as it would run afoul of the Americans with Disabilities Act. Employers may, however, require that employees be tested for an active case of COVID-19 before allowing them to return to work. The complete EEOC guidance regarding COVID-19 and employment laws is located [HERE](#).

Please keep in mind that, should an employer decide to require active COVID-19 testing of employees, there are several criteria that must be met in order to comply with federal employment laws. Some of these criteria include maintaining the confidentiality of employee health information, having testing requirements that are applied to employees in a neutral and non-discriminatory manner and ensuring that the tests are safe and accurate.

If you have any questions about the testing of employees prior to allowing their return to work or any other COVID-19 related matter, the attorneys at Carr Allison would be happy to answer them.

**If you have any questions regarding COVID-19,
please do not hesitate to contact our
Carr Allison COVID-19 Response Team.**

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