



COVID-19 ACCOMMODATION CHECKLIST (5/27/20)

WHAT ARE COVID-19 ACCOMMODATIONS?

Federal, State and County responses to the pandemic have resulted in laws, emergency declarations, and guidelines that strongly recommend accommodation of “vulnerable” individuals. This group includes:

- Workers with individual risk factors such as:
 - Individuals age 65 or older;
 - Individuals with chronic medical conditions including diabetes, respiratory conditions, immunocompromising conditions; and
 - Individuals who are pregnant.
- Workers who need to care for a child due to closure of the child’s school or day-care center.
- Workers with household members who have individual risk factors and/or COVID-19.
- Workers who must use public transportation to get to work.

The following checklist has been prepared to assist employers in developing COVID-19 Accommodation Procedures. The checklist aggregates guidelines provided by the Centers for Disease Control and Prevention (CDC), the U.S. Department of Labor (USDOL), the Equal Employment Opportunity Commission (EEOC), and the Hawaii Department of Health (HDOH). It is not legal or medical advice. Check with your legal counsel before finalizing your procedures. Note the guidelines frequently change so you will need to update on a regular basis.

STEP 1: HAVE EMPLOYEE SUBMIT REQUEST FOR ACCOMMODATION IN WRITING

- **Have employee complete a request form or have employee send you an email that states:**
 - Employee’s name
 - Date of request
 - Reason for accommodation request
 - Individual risk factor
 - Need to care for child due to closure of child’s school or day-care center
 - Household member with individual risk factor and/or COVID-19
 - Irregular public transportation (which employee uses to get to work)
 - Beginning and end dates for requested accommodation period
 - Type of accommodation being requested
 - Telework
 - Leave of absence
 - Other (have employee specify)



- **If employee is requesting accommodation for his/her own risk factors, ask employee to provide documentation (letter or certificate) from his/her health care provider that:**
 - Identifies the risk factor (e.g. age, medical condition, pregnancy)
 - Specifies beginning and end dates for requested accommodation period
 - Specifies the type of accommodation being requested

- **If employee is requesting accommodation due to child care issues, ask employee to provide documentation (letter or some other document) evidencing closure of child care facility or school.**

- **If employee is requesting accommodation to care for family member in isolation or with COVID-19, ask employee to provide documentation (letter or certificate) from family member's health care provider that:**
 - Identifies the situation (i.e. isolation or confirmed case of COVID-19)
 - Specifies beginning and end dates for requested accommodation period
 - Specifies the type of accommodation being requested

STEP 2: DETERMINE RISK FACTORS FOR EMPLOYEE REQUESTING ACCOMMODATION

- **Determine if employee is an essential or non-essential worker for your company/organization.**
 - Confirm whether employee has been recalled to work
 - Confirm employee's department, job title and duties
 - Contact employee's department manager and/or supervisor to determine if employee is an essential or non-essential worker for the department
 - Essential workers (typically employees who are necessary to enable the company/organization to perform an essential function)
 - Non-essential workers (everyone else)
 - Confirm with legal counsel on essential v. non-essential status

- **Confirm safety & health procedures/practices currently being provided:**
 - By company/organization (for all employees)
 - By employee's department
 - Social distancing?
 - Physical barriers to separate employee from others?
 - PPE in addition to face masks?



➤ **Confirm employee's level of risk upon return to work**

- Will the employee have to work alongside other employees?
- Will employee need to interact with non-employees (customers, vendors, etc.)?

STEP 3: ENGAGE IN INTERACTIVE ACCOMMODATION PROCESS

➤ **For employees in "at risk" groups:**

- If employee is non-essential, telework should be granted.**
 - Work with manager on:
 - > Work assignments and performance management
 - > Scheduling work times & timekeeping procedures
 - > Communication & work flow
 - > Safety procedures (in case of accidents while working at home)
 - Work with IT on:
 - > Equipment and software systems
 - > Cybersecurity policies for telework
 - Work with Payroll/Accounting on:
 - > Monitoring timekeeping
 - > Monitoring of overtime
 - > Managing leaves of absence during telework period
 - > Processing of pay checks
- If employee is essential, work with manager to determine if alternatives (that address employee's concerns) are acceptable.**
 - Consider, for example:
 - > Additional PPE and/or safety equipment that would reduce the risk
 - > Alternative work schedules to reduce the risk
 - > Allowing employee to apply for vacant non-essential position that permits telecommuting
 - > Allowing employee to take available leave
 - > Placing employee on temporary furlough
 - Provide options in writing to employee and his/her health care provider to consider
 - Select option that best addresses employee's concerns and fits employer's needs

➤ **For employees caring for child or family member:**

- If employee is non-essential, telework should be granted.** (See above checklist.)



- If employee is essential, work with manager to determine if alternatives (that address employee's need to be away from work) are acceptable.**
 - Consider, for example:
 - > Alternative work schedule
 - > Allowing employee to apply for vacant non-essential position that permits telecommuting
 - > Allowing employee to take available leave
 - > Placing employee on temporary furlough
 - Provide options in writing to employee
 - Select option that best addresses employee's concerns and fits employer's needs

- **For employees with transportation issues:**
 - If employee is non-essential, telework should be granted.** (See above checklist.)
 - If employee is essential, work with manager to determine if alternatives (that address employee's scheduling issues) are acceptable.**
 - Consider, for example:
 - > Flexible work schedule
 - > Allowing employee to apply for vacant non-essential position that permits telecommuting
 - Provide options in writing to employee
 - Select option that best addresses employee's situation and fits employer's needs

STEP 4: DOCUMENT

- **Keep copies of the following:**
 - Employee's request
 - Supporting documentation provided by employee
 - Information provided by manager regarding employee's job duties, risk factors, applicable safety & health procedures
 - Communications with employee (and health care provider) regarding available accommodations
 - Confirmation of accommodation(s) selected for employee

- **Keep copies of any changes to the accommodations requested and/or provided.**

- **Keep documents related to medical information in confidential medical files.**