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Coronavirus - Information for Connecticut Employers

There are many unanswered questions with the coronavirus and some of them deal with employment issues. As all of us can attest, dealing with the corona virus is unlike anything else in our lifetime. But as with many issues in the law, past court decisions can provide some guidance.

For example, the Americans With Disabilities Act prohibits employers from requiring a medical examination or questioning an employee about his/her medical condition, unless the inquiry is “job-related and consistent with business necessity.”

In *Lope v. Hollisco Owners’ Corp.*, a doorman at an apartment building texted his supervisor and stated that he “felt like [he] might have Hepatitis C.” Not surprisingly, his supervisor ordered him to leave the premises and not return until he had a doctor’s note clearing him to return to work. The employee refused to provide a doctor’s note because he claimed that one was not necessary.

When the employee refused to provide the requested doctors’ note, he was terminated. He sued, claiming that he was terminated because he was perceived to have a disability. The Americans With Disability Act prohibits discrimination against qualified individuals with a disability and employees who are perceived to have a disability.

The court dismissed the employee’s claim and granted summary judgment to the employer. It held that asking for a doctor’s note from an employee who might have had a contagious disease was “job-related and consistent with business necessity.” As the court noted, the employee was continuously in contact with other employees and residents of the building in which he worked, “in light of the character of [the employee’s] job, it was reasonable for his employer to ensure that he was capable of performing his work without any risk that he might infect others.”

Similarly, an employer with an employee who exhibits symptoms of the coronavirus could insist that the employee provide the employer with some evidence – a doctor’s note – that the employee does not pose a risk of infecting others.

If you have any questions about this or any other employment issue, please feel free to contact **Bernard E. Jacques** at bjacques@mdmc-law.com.

Offices

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