# Coronavirus (COVID-19): Health Screenings and Temperature Checks Checklist

## When to Use

Employers may choose to conduct health screenings of employees as they come to work during the COVID-19 pandemic. Employee screening may be in the form of temperature checks, COVID-19 testing or inquiries about their health condition. However, despite the fact that public health agencies have given employers the ability to conduct screenings that would otherwise be impermissible under the Americans with Disabilities Act or other federal and state laws, there are certain criteria that they should follow when doing so. This checklist can be used to assist an employer conducting employee health screenings during the COVID-19 pandemic.

Although employers do not have to complete the following steps in sequential order to properly complete the checklist, certain steps should be done in order.

**Customizable Checklist**

**Coronavirus (COVID-19): Health Screenings and Temperature Checks Checklist**

* **Review Federal, State and Local Guidance**
  + Consult guidance from the Centers for Disease Control and Prevention (CDC), the Equal Employment Opportunity Commission (EEOC) and state and local public health authorities.
  + Determine what types of health screenings (e.g., COVID-19 testing, medical inquiries or temperature checks) are permitted under the Americans with Disabilities Act (ADA) during the pandemic.
  + Keep current with the latest guidance and protocols recommended by applicable government and public agencies.
* **Determine the Screening Measures to Implement**
  + Decide whether to inquire about health condition (e.g., fever and shortness of breath), conduct temperature checks and/or test for COVID-19.
  + Conduct screenings prior to the start of a workday or shift.
  + Attempt to conduct screenings prior to entry into the building.
* **Provide Notice**
  + Provide written notice to employees and/or post a notice at all the entrances to each workplace, as well as on the organization's internet and/or intranet site.
  + Ensure the notice(s) details:
    - The screening measures that employees will be subject to (e.g., temperature checks);
    - The reasons for implementing screening measures (e.g., to reduce exposure to COVID-19);
    - Where and when the screening will take place (e.g., before entry into the building);
    - The consequences for "failing" a screening (e.g., sending employees home if they are experiencing a fever of 100.4°or higher); and
    - That medical information will be kept confidential in accordance with applicable laws.
* **Promote Social Distancing While Waiting**
  + Ensure that those waiting to be screened are standing at least six feet apart from one another.
  + Consider staggering start times in order to alleviate congestion at points of screenings and entryways to the building or the workplace.
* **Protect and Train Individuals Conducting the Screenings**
  + Consider hiring health care professionals to conduct screenings and/or testing.
  + Provide appropriate personal protective equipment (PPE) (e.g., masks, gloves and gowns) to screeners.
  + Ensure that screeners have the proper equipment (e.g., thermometers and credible COVID-19 testing materials).
  + Train screeners on the appropriate measures based on the screening method being implemented:
    - For medical inquiries, train on permissible questions (e.g., those relating to COVID-19 related symptoms and exposure to individuals who have tested positive for COVID-19) and related issues (e.g., refusals to answer).
    - For temperature checks, train on what constitutes a fever (e.g., temperature of 100.4°or higher), how to take an individual's temperature and how to address those with a fever.
    - For COVID-19 tests, train on how to conduct tests and related actions (e.g., safely dispose of PPE and properly store test specimens).
  + Train screeners on how to address a refusal to submit to a screening.
* **Take Privacy Measures**
  + Strive to conduct screenings and testing out of the earshot and view of others.
  + Consider erecting tents or screens to provide a measure of privacy.
* **Prepare a Plan for Handling Results and Sick Employees**
  + Ensure only necessary results and information are documented.
  + Send sick employees home immediately.
  + Share results only on a strict need-to-know basis.
* **Consider Wage and Hour Issues**
  + Remember that time spent waiting and/or being screened may count as compensable working time under wage and hour laws.
* **Be Consistent**
  + Make screenings and/or temperature checks mandatory for all employees.
  + If not testing all employees, ensure employees are selected for testing on a nondiscriminatory basis.
* **Consider Alternative Screening Options**
  + Consider alternatives to in-person screenings and temperature checks to provide flexibility and preserve resources, such as:
    - Allowing employees to take their temperatures at home or in the parking lot before coming into the workplace and self-certify they are fever-free; or
    - Having employees complete a certification form, which states that they:
      * Are not currently experiencing symptoms related to COVD-19;
      * Have not been exposed to anyone who has tested positive for COVID-19; and
      * Have not traveled in the last 14 days.
  + Implement a reporting procedure for employees to report elevated temperatures or other COVID-19 symptoms (e.g., direct reporting to HR or immediate supervisor).
* **Keep All Medical Information Confidential**
  + Ensure documentation or details recorded relating to an employee's medical condition or temperature check is confidentially stored in accordance with the ADA and all other applicable privacy laws.

## Tips

The Equal Employment Opportunity Commission (EEOC) recommends employers follow the advice of the Centers for Disease Control and Prevention (CDC) and state and local public health authorities regarding information on having employees come to work.

### Temperature screenings

Although measuring an employee's body temperature is considered a medical examination and is generally not allowed under the Americans with Disabilities Act (ADA), the CDC and state and local health authorities have acknowledged community spread of COVID-19. As a result, the guidance in the EEOC's [Pandemic Preparedness in the Workplace and the Americans with Disabilities Act](https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act) provides that employers may perform temperature checks on employees.

If an employer chooses to take employees' temperatures, certain measures should be taken. An employer should:

* Refrain from taking an employee's temperature in a public setting;
* Implement a consistent and safe process for temperature screenings (e.g., testing of all individuals who enter the workplace and not only employees);
* Train and educate personnel on measuring body temperatures, including how to protect themselves and those being screened during the process;
* Provide prior [notice](https://www.xperthr.com/policies-and-documents/coronavirus-covid-19-temperature-screenings-notice-letter/45388/) to those who will be screened;
* Urge employees to self-monitor for symptoms and not to come to the workplace if experiencing any; and
* Prepare a plan for handling the results (e.g., documenting results and sending ill employees home immediately).

According to the EEOC, an employer may ask only one employee as opposed to all employees to have their temperature taken if it has a reasonable belief that this particular employee might have the disease (e.g., display of COVID-19 symptoms).

### Medical condition inquiries

An employer may also ask employees questions about their medical condition as it relates to COVID-19 under the "direct threat" exception of the ADA. According to the guidance provided by the EEOC, the "direct threat" exception applies during this pandemic since an employee may pose a direct threat of harm to others by spreading the virus. These questions should be directly related to protecting employees and the public from COVID-19. Questions that employers may ask include:

* Whether they have been diagnosed with COVID-19 by a medical professional based on a test or symptoms;
* Whether they have COVID-19 symptoms (e.g., fever of 100.4° F or greater, shortness of breath, cough or chills);
* Whether they have had "close contact" (i.e., within 6 feet for a cumulative total of 15 minutes or more over a 24-hour period) with someone who has been diagnosed with COVID-19 within the last 14 days; and
* Whether they have traveled or had a layover in a country with a CDC Level 3 travel notice.

The EEOC states that an employer may test employees to see if they have COVID-19 before they enter the workplace "because an individual with the virus will pose a direct threat to the health of others." The EEOC advises employers to:

* Ensure that tests are accurate and reliable by reviewing guidance from the [Food and Drug Administration (FDA)](https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-diagnostic-testing-sars-cov-2), the CDC and other public health authorities, and then periodically check for updates;
* Consider the incidence of false-positives or false-negatives associated with a particular test;
* Remember that accurate testing only reveals if the virus is currently present, and that a negative test does not mean the employee will not acquire the virus later; and
* Continue to require, to the greatest extent possible, that employees observe infection control practices (e.g., social distancing and regular handwashing) in the workplace to prevent transmission of COVID-19.

Make sure that all screenings are conducted in a nondiscriminatory manner.

Urge employees to follow CDC guidelines, including staying home if they have a fever or other COVID-19 symptoms, until it is determined that it is safe to return to work. The CDC guidelines specify that an employee may return to work when the employee is free of fever (100.4° F or higher) for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants), and other symptoms have improved. Note, however, that some states have their own thresholds for what constitutes a fever (i.e., 99.5° or higher), so consult state and local return-to-work guidelines.

Educate supervisors and employees on the symptoms of COVID-19 and require employees to self-report and leave the workplace if they begin to experience symptoms. Supervisors should be trained on how to handle health concerns from employees.

Keep up with the ever-evolving guidance issued by the CDC, the Occupational Safety and Health Administration (OSHA) and other appropriate agencies related to employees returning to work.

## Warnings

Note that employers may not require employees to undergo antibody testing before permitting them to return to the workplace. Pursuant to the EEOC, an antibody test does not meet the ADA's "job related and consistent with business necessity" standard for medical exams for employees. Therefore, antibody testing is not allowed under the ADA and "should not be used to make decisions about returning persons to the workplace."

Employers should ensure compliance with the Fair Labor Standards Act and similar state and local laws and pay employees for the time spent for both the time waiting to be screened and the screening itself.

The ADA requires an employer to keep all employee medical information confidential. Medical information includes not only a diagnosis or treatments, but also the fact that an individual has requested or is receiving a reasonable accommodation. Certain COVID-19 information, such as a COVID-19 diagnosis, is considered medical information under the ADA and should therefore be kept confidential and private.

Maintain any COVID-related medical information in a medical file, separate from regular personnel files, and only disclose this information to those who need to know to protect workplace health and safety. This may vary depending upon the specific workplace.

Remember that some people with COVID-19 do not have a fever, and some people with a fever do not have COVID-19.

If necessary, the above checklist should be modified so that it is in compliance with any applicable state and local laws.