



Challenges facing employers in light of Ebola concerns

JAMES BOUTROUS II | EMPLOYER ADVOCATE | OCT 26, 2014

Ebola concerns are not just limited to hospitals and healthcare providers that may have personnel that come into contact with individuals infected with the Ebola virus. Indeed, employers are now faced with how to implement procedures that address an employee potentially infected and its ability to legally take steps to protect the rest of its workplace.

As recently reported by CNBC, an Ohio-based energy company, on October 14, 2014, stated that two of its workers would work from home with pay for 21 days after it learned they came in contact with the second nurse who contracted Ebola in the Dallas hospital where she worked.

The above instance begs the question of whether or not an employer can request that an employee whom the employer knows is returning from an affected area can require the employee to remain at home for the 21 day incubation period? The answer, to date, is generally "no". The law most involved here is of course the Americans with Disabilities Act (ADA), which, among other things, regulates when it is appropriate for employers to submit employees to medical examinations to determine their fitness for work.

As of now, the trend is for employers to follow the lead of the Center for Disease Control and Prevention (CDC). Currently, the CDC is recommending that anyone who has traveled to an Ebola-affected area "self monitor" themselves for a 21 day period for the development of any symptoms. Thus, employers are on legally safe ground in requiring the same.

If, however, an employee indicates that he or she has in fact been in contact with an infected individual, requiring such an employee to work from home for a 21 day period, like the situation with energy company described above, would likely pass muster. Also, the EEOC has published guidelines on "Pandemic Preparedness In the Workplace," which employers should consult.

As the guidelines continue to develop, we will update this post with the latest developments.



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