



Developed in Partnership with Quincy Medical Group

At-Risk Employees

Some employees are at greater risk for COVID-19. For those individuals, there may be reasonable accommodations that could offer protection.

For more information on the legal implications, visit <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>.

Who Is At Risk

Based on CDC guidance, those at high-risk for severe illness from COVID-19 are:

- People 65 years and older

People of all ages with underlying medical conditions, particularly if not well controlled, including:

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

Source: CDC People Who Are at Higher Risk for Severe Illness

Potential Accommodations for At-Risk Employees

The EEOC suggests the following accommodations to eliminate or reduce the risks to employees with underlying medical conditions:

- Providing additional or enhanced personal protective equipment, including gowns, masks, gloves or other protective equipment
- Taking additional or enhanced protective measures, such as erecting physical barriers or increasing space between employees
- Eliminating “marginal” job functions (i.e., less critical or incidental job duties as distinguished from the “essential” functions of a position)
- Temporarily modifying work schedules to reduce contact with coworkers, or relocating the employee’s personal workspace to increase social distancing.
- Identifying an effective accommodation depends on many factors, including the employee’s job duties and the design of the workspace. Consequently, the EEOC encourages employers to discuss with employees the listed examples as well as other possible accommodations.

State and local legislative developments could impact the guidance provided by the EEOC, so employers should consult legal counsel regarding specific circumstances that may arise in the workplace.

Source: *The National Law Review EEOC COVID-19 Guidance: Potential High-Risk Employees – Return to Work and Accommodations*