



HEALTH & PRODUCTIVITY BEST PRACTICES DURING A NATIONAL PANDEMIC CRISIS

Providing effective accommodations for employees during COVID-19

Even during the COVID-19 pandemic, employers are obligated to adhere to ADA requirements when employees ask for reasonable accommodations—even when mandated to work from home (telework).

Overview of an employer's ADA responsibilities

When an employee has filed (before or after COVID-19) for an occupational or non-occupational claim and the health care provider has released him/her to return to work with restrictions, employers need to maintain the level of return-to-work accommodations through the ADA.

Employees with disabilities that put them at high risk for complications of pandemic influenza/COVID-19 may request telework as a reasonable accommodation to reduce their chances of infection.

- Only when an employer demonstrates that an employee with a disability poses a direct threat, even after reasonable accommodation, can they lawfully exclude employees from employment or employment-related activities.
- And, if an employee with a disability needs the same reasonable accommodation at a telework site as he/she had at the workplace, the employer should provide that accommodation, absent undue hardship. In the event of undue hardship, the employer and employee should work together to identify an alternative reasonable accommodation.

Best practices for Stay-at-Work or Return-to-Work employees

Prudential's Health and Productivity Analytics and Consulting Practice (HPAC) developed a list of possible job modifications to help these employees stay productive.

Employees can:

- Perform regular work tasks via telework (when/if able).
- Work on special projects lower on the priority list.
- Participate in certification trainings needed to maintain credentials or licensures.
- Access training through Employee Assistance Programs (EAP) or financial wellness offered by the employer.
- Conduct research for projects or communication material.

- Provide mentor training/coaching to new hires and existing employees, to something new from a different department/area.
- Call customers to gain insight from feedback to make business improvements and to improve employee's professional growth.
- Update standard operating procedures and/or safety procedures.
- Read current articles/material associated with the job or write articles.
- Provide support to another work area for any backlogged work.
- Partner with colleagues to learn more about their work tasks to broaden overall knowledge about the business; provide streamlined processes or efficiencies not otherwise recognized.
- Set up virtual knowledge transfer sessions from more seasoned workers to new workers.
- Temporarily work in a location that does not mandate telework or can provide other types of telework services. (e.g., HELP desk counseling/troubleshooting), after the employer assesses the employee's education, skill, and past experience
- Work with health care clinicians, who can reach out to employees as a follow-up from initial care; answer portal questions; perform case management, clinical research, medication compliance checks, etc.

For Return-to-Work accommodation questions and program development assistance, reach out to your designated Prudential HPAC director.

Additional resources:

- **Reasonable Accommodation and Undue Hardship:** Enforcement Guidance: *Reasonable Accommodation and Undue Hardship under the ADA* (as revised 2002) at <http://www.eeoc.gov/policy/docs/accommodation.html>.
- **Telework as a Reasonable Accommodation:** *Work at Home/Telework as a Reasonable Accommodation* (2003) at <http://www.eeoc.gov/facts/telework.html>.
- JAN, Job Accommodation Network: <https://askjan.org/publications/Topic-Downloads.cfm?pubid=5536115>.

[Informational only. Please consult the appropriate expert for advice.]

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