

United States Senate
WASHINGTON, DC 20510

March 19, 2020

The Honorable Eugene Scalia
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

Dear Secretary Scalia:

We write to request more information about how the Department of Labor (the Department) is preparing for and responding to the spread of the 2019 Novel Coronavirus (COVID-19) in the United States and how it impacts workers who experience disabilities, including those who are immunocompromised. During this time, federal agencies must make evidence-based decisions and clearly communicate with the public in a timely way to protect Americans, especially those who may face unique risks and challenges as a result of this virus.

Many individuals who experience disabilities may be at a greater risk for serious complications from COVID-19.¹ In light of this, workers with disabilities may seek to work remotely or access leave time before the virus is present in their communities. Additionally, workers who experience disabilities may seek additional accommodations for their health needs that may include reduced work schedules to accommodate more frequent visits to or consultations with health care providers, additional technology needed to be able to work remotely, support for mental health needs due to increased anxiety, or additional cleaning procedures to maintain a safe workplace for their protection. These workers have rights under the Americans with Disabilities Act (ADA) that protect them from workplace discrimination and require that they have access to reasonable accommodations.² During the COVID-19 outbreak, it is especially important for workers and employers to understand these rights.

It is critical that experts across federal agencies work together to disseminate scientific and fact-based information to the public as decisions are made in response to the COVID-19 outbreak. In order to understand more about the Department's efforts to support workers who experience disabilities and to provide employers with appropriate guidance, we request a response to the following questions no later than March 26, 2020:

1. What guidance is being provided to workers on their rights under the ADA and the importance of understanding their rights to request and access necessary accommodations during the COVID-19 outbreak?

¹ <https://acl.gov/COVID-19>

² <https://www.eeoc.gov/facts/ada18.html>

2. What additional guidance is being provided to employers on workers' rights under the ADA and their obligations to provide accommodations to workers during the COVID-19 outbreak?
3. What guidance is being provided to workers and employers regarding disability disclosure and the rights of workers to maintain privacy regarding their disability and health status, other than necessary disclosure when requesting accommodations?
4. Is the Department providing guidance with best practices on how to support workers who experience disabilities when working remotely and how to provide accommodations in their remote work locations?
5. What guidance is being provided to employers regarding additional family and medical leave for workers with disabilities and for family members who may need to stay home to care for children who experience disabilities, in particular those who are immunocompromised?
6. What steps is the Department taking with respect to its own employees or contractors with disabilities to inform them of their rights and access to accommodations during the COVID-19 outbreak?
7. What steps has the Department taken to coordinate with the Office of Personnel Management to ensure that federal employees who experience disabilities across the federal government are aware of their rights and to ensure that agencies and contractors are aware of their responsibilities under the ADA?

It is important that workers who experience disabilities have accurate information about their rights and receive necessary accommodations from their employers as our country responds to the spread of COVID-19. We appreciate your attention to this matter.

Sincerely,

Senator Margaret Wood Hassan
Senator Robert P. Casey, Jr.
Senator Chris Van Hollen
Senator Jack Reed
Senator Richard Blumenthal
Senator Sherrod Brown
Senator Christopher S. Murphy

Senator Patty Murray
Senator Tammy Baldwin
Senator Bernard Sanders
Senator Tim Kaine
Senator Tammy Duckworth
Senator Jeanne Shaheen