

Returning to Work and Reasonable Accommodations

79. When can an employee return to work after self-isolating due to testing positive for COVID-19, having symptoms of COVID-19, or being exposed to someone with COVID-19?

That depends. The [CDC's guidance](#) states, "Employees should not return to work until the criteria to discontinue home isolation are met, in consultation with healthcare providers." The [CDC's guidance on the criteria to discontinue home isolation](#) depends on whether a test will be administered to determine if the person is negative for COVID-19.

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If the person tested positive for COVID-19, showed symptoms, and *will not* receive additional testing, or if the person exhibited symptoms of COVID-19 and was not tested,* the person may return to work if the following 3 criteria are met:

- At least 3 days (72 hours) have passed since recovery (defined as resolution of fever without the use of fever-reducing medications);
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); and
- At least 10 days have passed since the symptoms first appeared.

If the person tested positive for COVID-19, showed symptoms, and *will* receive additional testing, the person may return to work if the following 3 criteria are met:

- Resolution of fever without fever-reducing medications;
- Improvement in respiratory symptoms (e.g., cough, shortness of breath); and
- Negative COVID-19 results from at least 2 consecutive tests taken at least 24 hours apart.

If the person tested positive for COVID-19 but did not exhibit any symptoms, the person may return to work if:

- At least 10 days have passed since the individual's first COVID-19 test that yielded a positive result; and
- The person remained asymptomatic.

If the person has simply been exposed to COVID-19 but did not exhibit any symptoms, the person may immediately return to work if:

- the employee is a critical infrastructure worker;
- the core job tasks cannot be done by other equally skilled and available in-person workers who have not been exposed (or by the employee remotely); and

- the employee follows the CDC recommendation to wear a face mask at all times while in the workplace for 14 days after last exposure. Consider whether to allow return if the 14-day period is not readily ascertainable.

If the employee is not a critical infrastructure worker and was exposed to COVID-19 via a household member, intimate partner, or being in close contact (less than 6 feet) for a prolonged period of time with an individual confirmed or suspected of having COVID-19, the CDC recommends that the employee self-isolate for 14 days after the last exposure.

**The CDC's guidance is not clear on when people can return to work who have exhibited symptoms of COVID-19 and will not be tested. However, it seems that using the criteria for this strategy makes the most sense.*

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80. Can employers ask employees who were out on sick leave due to COVID-19-related symptoms or a positive diagnosis to provide some kind of “fitness for duty” verification before they return to work?

Yes, but the EEOC advises employers to consider loosening “fitness for duty” standards to accept forms, stamps, or emails certifying clearance to return to work following symptoms or a positive diagnosis, because doctors and healthcare professionals may be too busy to provide the formal documentation. The CDC likewise recommends that employers should not require a COVID-19 test result or a healthcare provider’s note for employees who are sick to validate their illness, qualify for sick leave, or to return to work. If employers do require such verifications, however, they should be sure to do so consistently to avoid any appearance of disparate treatment.

Be aware, also, that state and local jurisdictions may have orders in place governing whether employers can require fitness-for-duty verifications.

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