

# **Accommodation and Compliance Series**

# Accommodation and Compliance: Long COVID

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### Preface

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#### JAN'S Accommodation and Compliance Series

### Introduction

JAN's Accommodation and Compliance Series is designed to help employers determine effective accommodations and comply with Title I of the Americans with Disabilities Act (ADA). Each publication in the series addresses a specific medical condition and provides information about the condition, ADA information, accommodation ideas, and resources for additional information.

The Accommodation and Compliance Series is a starting point in the accommodation process and may not address every situation. Accommodations should be made on a case by case basis, considering each employee's individual limitations and accommodation needs. Employers are encouraged to contact JAN to discuss specific situations in more detail.

For information on assistive technology and other accommodation ideas, visit JAN's Searchable Online Accommodation Resource (SOAR) at <a href="https://askJAN.org/soar">https://askJAN.org/soar</a>.

## Information about Long COVID

According to the <u>Centers for Disease Control</u>, some people who have had COVID-19 can experience long-term effects, known as post-COVID conditions or Long COVID and its associated conditions. Long COVID can include a wide range of ongoing health problems and can last weeks, months, or years.

There is no test to diagnose Long COVID, and people may have a wide variety of symptoms that could come from other medical conditions. Also, while most people with Long COVID have evidence of infection or COVID-19 illness, in some cases a person with post-COVID conditions may not have tested positive for the virus or known they were infected. This can make it difficult for health care providers to recognize and diagnose Long COVID.

Some people experience multiorgan effects that can involve many body systems, including the heart, lung, kidney, skin, and brain. As a result of these effects, people who have had COVID-19 may be more likely to develop new health conditions such as myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS), postural orthostatic tachycardia syndrome (POTS), sleep disorder, fibromyalgia, diabetes, heart condition, stroke, respiratory impairments, mental health conditions, post-traumatic stress disorder (PTSD), anxiety disorder, and chronic pain compared with people who have not had COVID-19.

## Long COVID and the Americans with Disabilities Act

The ADA does not contain a definitive list of medical conditions that constitute disabilities. Instead, the ADA defines a person with a disability as someone who (1) has a physical or mental impairment that substantially limits one or more "major life activities," (2) has a record of such an impairment, or (3) is regarded as having such an impairment. For more information about how to determine whether a person has a disability under the ADA, see <u>How to Determine Whether a Person Has a Disability</u> under the Americans with Disabilities Act Amendments Act (ADAAA).

#### For more information about Long COVID as a disability see:

• <u>What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws, section N.</u>

• <u>HHS and U.S. Department of Justice (DOJ) Guidance on "Long COVID" as a Disability</u> Under the ADA (titles II and III), Section 504, and Section 1557.

#### **Questions to Consider:**

- 1. What limitations is the employee experiencing?
- 2. How do these limitations affect the employee and the employee's job performance?
- 3. What specific job tasks are problematic as a result of these limitations?
- 4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
- 5. Once accommodations are in place, would it be useful to meet with the employee to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
- 6. Do supervisory personnel and employees need training?

#### Accommodation Ideas:

#### Limitations

Coughing Excessively

- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Noise Abatement
- Policy Modification

- Telework, Work from Home, Working Remotely
- Worksite Redesign / Modified Workspace

Decreased Stamina/Fatigue

- Accessories for Scooters
- Aide/Assistant/Attendant
- All-Terrain Scooters
- Anti-fatigue Matting
- Elevating Wheelchairs
- Ergonomic and Pneumatic Tools
- Ergonomic Assessments
- Ergonomic Equipment
- Examination and Procedures Chair
- Flexible Schedule
- Head Support for Wheelchairs
- Job Restructuring
- Low Task Chair
- Mechanic's Seats and Creepers
- Multi-Purpose Carts
- Periodic Rest Breaks
- Scooters
- Stand-lean Stools
- Stools for Cutting Hair
- Telework, Work from Home, Working Remotely
- Walkers
- Wearable Anti-fatigue Matting
- Wheelchair Accessible Scales
- Wheelchair Mounts
- Wheelchairs
- Worksite Redesign / Modified Workspace

Executive Functioning Deficits

- Apps for Concentration
- Apps for Memory
- Calendars and Planners
- Checklists
- Color Coded System
- Cubicle Doors, Shields, and Shades
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Extra Time
- Flexible Schedule
- Form Generating Software
- Full Spectrum or Natural Lighting Products
- Job Coaches
- Job Restructuring
- Marginal Functions
- Modified Break Schedule
- Noise Canceling Earbuds
- Noise Canceling Headsets
- On-site Mentoring
- Recorded Directives, Messages, Materials
- Reminders
- Sound Absorption and Sound Proof Panels
- Speech Recognition Software
- Sun Boxes and Lights
- Sun Simulating Desk Lamps
- Timers and Watches
- Written Instructions

#### **General Cognition**

• Counseling/Therapy

Headache

• Air Cleaners & Purifiers

- Alternative Lighting
- Anti-Glare Filters for Fluorescent Lights
- Cubicle Doors, Shields, and Shades
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Full Spectrum or Natural Lighting Products
- Job Restructuring
- Lighting Gel Filters
- Marginal Functions
- Modified Break Schedule
- Non-Fluorescent Lighting
- Task Lighting
- Telework, Work from Home, Working Remotely

#### Low Vision

- Accessible Mobile Phones
- Accessible Telephones
- Apps for Individuals with Vision Impairment
- External Computer Screen Magnification
- Head-mounted Magnifiers
- High Visibility Floor Tape and Paint
- Large Button Phones
- Large Visual Display for Telephone
- Lighted Reading Glasses
- Low Vision Office Supplies
- Magnification (Hand or Stand)
- Optical Character Recognition (OCR) Systems Scan
- Portable Video/Electronic Magnifiers
- Screen Magnification and Screen Reading Combined
- Screen Magnification Software
- Sewing Aids for Individuals with Vision Impairment

- Stair Tread/Textured Tape
- Tactile Timepieces/Watches
- Talking Alarm Clocks
- Talking Bar Code Scanner/Reader
- Talking Blood Glucose Monitors
- Talking Blood Pressure Monitors
- Talking Cash Register
- Talking Coin Counter/Sorter
- Talking Color Detector
- Talking Copier
- Talking Credit Card Terminal
- Talking Money Identifier
- Talking Scales
- Talking Telephones
- Talking Watches

#### Nausea

- Flexible Schedule
- Mini Refrigerators/ Electric Coolers
- Odor Control
- Telework, Work from Home, Working Remotely

#### Pain

- Accessories for Scooters
- Adjustable Workstations for Industrial Settings
- Adjustable Workstations for Office Settings
- Aide/Assistant/Attendant
- All-Terrain Scooters
- Alternative Input Devices
- Alternative Keyboards
- Alternative Mice
- Anti-fatigue Matting

- Anti-vibration Gloves
- Anti-vibration Seats
- Anti-vibration Tool Wraps
- Automated Filing Systems
- Automatic Door Openers
- Cake Decorating and Baking Equipment
- Carts
- Chairs with Head Support
- Compact Material Handling
- Electronic Organizers
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Ergonomic and Adjustable Office Chairs
- Ergonomic and Pneumatic Tools
- Ergonomic Assessments
- Ergonomic Equipment
- Examination and Procedures Chair
- Fans
- Flexible Schedule
- Forearm Support
- Gooseneck and Other Telephone Holders
- Hair Scissors
- Head Support for Wheelchairs
- Headsets
- Light Switch Extension Handles
- Low Task Chair
- Mechanic's Seats and Creepers
- Modified Break Schedule
- Pickups, Semis, and Heavy Equipment
- Pipettes
- Professional Organizers

- Scooters
- Scribe/Notetaker
- Service Animal
- Speech Recognition Software
- Spring-Loaded Carts
- Stand-lean Stools
- Stools for Cutting Hair
- Strobe Lights
- Supine Workstations
- Talking Bar Code Scanner/Reader
- Talking Money Identifier
- Telescoping Cameras
- Telework, Work from Home, Working Remotely
- Van Conversion
- Wearable Anti-fatigue Matting
- Wheelchair Accessible Scales
- Wheelchair Carts/Trailers
- Wheelchair Mounts
- Wheelchairs
- Worksite Redesign / Modified Workspace
- Workstation Space Heaters
- Writing Aids

Respiratory Distress/Breathing Problem

- Air Cleaners & Purifiers
- Air Cleaners Chemical/Odor Removal
- Air Cleaning Systems
- Air Purifiers for Multiple Chemical Sensitivity
- Alternative Cleaning Supplies
- Augmentative and Alternative Communication (AAC) Device
- Carpet Alternatives, Sealants, and Sustainable Flooring
- Escape Hoods

- Flexible Schedule
- Floor Cleaning/Stripping Products Chemical Sensitivity
- Low/No Odor Paints and Stains
- Mask Brackets and Frames
- Masks Respirator
- Masks General/Chemical/Allergen
- Odor Control
- Outgoing Voice Amplification Telephone
- Personal Air Cleaner (Neckworn)
- Personal On-Site Paging Devices
- Powered Air Purifying Respirator (PAPR)
- Telework, Work from Home, Working Remotely
- Voice Amplification

Sleeping/Stay Awake

- Apps for Sleep/ Fatigue
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Modified Break Schedule
- Sleep Alerting Devices
- Strobe Lights

#### Work-Related Functions

Commute

- Flexible Schedule
- Ridesharing/Carpooling
- Telework, Work from Home, Working Remotely
- Transportation Assistance
- Van Conversion

Move Items/People

• Adjustable Exam Tables

- Aerial Lifts
- Animal Lift Tables
- Ball Transfer Tables
- Battery Powered Lift Tables
- Cake Decorating and Baking Equipment
- Carts
- Compact Material Handling
- Compact Mobile Cranes
- Engine Lifts and Lift Plates
- Ergonomic and Pneumatic Tools
- Grab Bars Toilet Hinged Arm Support
- Hair Scissors
- Large-Rated Small Step Ladders
- Lifting Aids
- Light Switch Extension Handles
- Manhole Cover Lifts
- Multi-Purpose Carts
- Pickups, Semis, and Heavy Equipment
- Pipettes
- Pool Lifts
- Proper Lifting Techniques
- Rolling Safety Ladders
- Spring-Loaded Carts
- Stainless Steel Carts and Worktables
- Swing Away Grab Bars
- Tire Handling
- Transfer Aids
- Transfer Sheets
- Trashcans
- Vacuum Lifts
- Vacuum Pickup Tools

• Walk-up Changing Tables

#### Policies

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Environmental Sound Machines / Tinnitus Maskers / White Noise Machines
- Flexible Schedule
- Marginal Functions
- Modified Break Schedule
- Periodic Rest Breaks
- Physical/Social Distancing Signage
- Policy Modification
- Reassignment
- Service Animal
- Sleep Alerting Devices
- Strobe Lights
- Supervisory Methods
- Support Animal
- Telework, Work from Home, Working Remotely
- Touchless Faucets

#### Temperature

- Air Deflectors
- Cold Resistant Gloves
- Cooling Clothing
- Fans
- Flexible Schedule
- Foot Warmers
- Heat Resistant Gloves
- Heated Clothing
- Heated Ergonomic and Computer Products
- Heated Gloves

- Modified Break Schedule
- Telework, Work from Home, Working Remotely
- Vent Covers
- Workstation Space Heaters

#### Use Cognitive Function

- Additional Training Time / Training Refreshers
- Aide/Assistant/Attendant
- Color Coded System
- Counting/Measuring Aids
- Electronic Dictionaries
- Electronic Organizers
- Extra Time
- Fractional, Decimal, Statistical, or Scientific Calculators
- Job Coaches
- Line Guides
- Marginal Functions
- Modified Break Schedule
- On-site Mentoring
- Personal On-Site Paging Devices
- Professional Organizers
- Reassignment
- Reminders
- Service Animal
- Social Skill Builders
- Support Person
- Training Modifications
- Uninterrupted Work Time

### Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

# An HR worker with Long COVID was experiencing shortness of breath, which was worsened by fatigue and stress.

As an accommodation, the employer allowed the employee to work a hybrid telework schedule and to take rest breaks when in the office.

#### An employee with Long COVID was having trouble sleeping.

Their healthcare provider recommended a set 40-hour work week and working from home. The employer granted the request on a trial basis to determine effectiveness.

# A business consultant with Long COVID and anxiety was concerned about getting COVID again and having an exacerbation of their current symptoms.

Because their job duties involved face-to-face contact with clients, the employer allowed part-time telework and implemented protocols to limit the employee's risk of exposure to COVID.

# A customer service representative with Long COVID had respiratory issues, including frequent coughing.

They had difficulty talking on the phone for long periods of time. As an accommodation, they were reassigned to a customer service position where they performed job duties using online chat instead of on the phone.

# A construction worker with Long COVID was unable to meet the physical demands of their job.

The employer allowed the employee to take a leave of absence for treatment and recovery.

#### A sales worker with Long COVID was experiencing brain fog and was having trouble recalling information about products when talking with customers over the telephone.

The employer provided an outline of the specifications for each product so the employee could refer to it during calls. The employer also allowed the employee one telework day a week to do paperwork.

#### A janitor has lasting symptoms of fatigue from having COVID-19.

They were allowed to take frequent, shorter breaks when they were overly tired. No cost.

### Products

There are numerous products that can be used to accommodate people with limitations. JAN's Searchable Online Accommodation Resource at <a href="https://AskJAN.org/soar">https://AskJAN.org/soar</a> is designed to let users explore various accommodation options. Many product vendor lists are accessible through this system; however, JAN provides these lists and many more that are not available on the Web site upon request. Contact JAN directly if you have specific accommodation situations, are looking for products, need vendor information, or are seeking a referral.

#### Resources

#### Job Accommodation Network

West Virginia University PO Box 6080 Morgantown, WV 26506-6080 Toll Free: (800) 526-7234 TTY: (304) 293-7186 Fax: (304) 293-5407 jan@askjan.org https://askjan.org

The Job Accommodation Network (JAN) is a free consulting service that provides information about job accommodations, the Americans with Disabilities Act (ADA), and the employability of people with disabilities.

#### Office of Disability Employment Policy

200 Constitution Avenue, NW, Room S-1303 Washington, DC 20210 Toll Free: (866) 633-7365 odep@dol.gov https://www.dol.gov/agencies/odep

The Office of Disability Employment Policy (ODEP) is an agency within the U.S. Department of Labor. ODEP provides national leadership to increase employment opportunities for adults and youth with disabilities while striving to eliminate barriers to employment.

#### Long COVID Support

https://www.longcovid.org/

A tightly moderated, international Long Covid Support Group that is a friendly, inclusive space for people experiencing the diverse, debilitating and alarming symptoms of Long Covid to share information, help each other through the bad days and celebrate in the good.

Strictly for patients or their direct carers, this online group is one of the largest of its type in the world, with members in 100 countries.

In addition to the posts written by members they offer a program of social and wellbeing activities including Zoom chats, the Long Covid Choir, chair yoga and opera breathing. This document was developed by the Job Accommodation Network (JAN), funded by a grant from the U.S. Department of Labor, Office of Disability Employment Policy (#OD-38028-22-75-4-54). The opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Labor. Nor does mention of tradenames, commercial products, or organizations imply endorsement by the U.S. Department of Labor.