

EEOC Updated Guidance States that Employers Cannot Require COVID-19 Anti-Body Testing

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On Wednesday, June 17, 2020, the EEOC updated its Guidance on how employers should handle issues related to COVID-19. Pursuant to the updated Guidance, the EEOC takes the position that requiring employees to submit to an anti-body test would likely be a violation of the Americans with Disabilities Act. In doing so, the EEOC relied on recent guidance from the CDC, which has stated that antibody tests should not be used as a basis for decisions about allowing workers back on the job.

Links to the Updated EEOC and CDC Guidance can be found here:

- <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>
- <https://www.cdc.gov/coronavirus/2019-ncov/lab/resources/antibody-tests-guidelines.html>