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DATE: April 4, 2020

TO: Chancellors, System IMT

FROM: Jim Johnsen, President

RE: UA Tracking & Response Policy to COVID-19 in UA Facilities

Public Health has made clear that because of the volume of infections in the state it will be  
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[https://www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitaion\\_act\\_coronavirus.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm)

**“How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?”**

During a pandemic, ADA-covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of o laws enforced by the EEOC prevent

maintain confidentiality as required by the Americans with Disabilities Act (ADA). The fellow employees should then self-monitor for [symptoms](#) (i.e., fever, cough, or shortness of breath).”

<sup>3</sup> OSHA guidance requires among other things that employers develop policies and procedures to promptly identify potentially infectious individuals. <https://www.osha.gov/Publications/OSHA3990.pdf>

In addition, OSHA has issued general guidance to employers on COVID-19 regarding when the illness may be *recordable*. According to OSHA’s guidance, COVID-19 would be a recordable illness on an OSHA 300 log if an employee is infected as a result of performing their work-related duties and all of the following criteria are met:

1. The case is a confirmed case of COVID-19;
2. The case is work-related; and
3. The case resulted in death, days away from work, restricted work duty, or treatment beyond first aid is provided (such that a prescription is issued).

In addition, a COVID-19 diagnosis may be to OSHA. An employer must report to OSHA an employee’s confirmed case of COVID-19 contracted from performing work-related duties if the employee passes away or is hospitalized as an inpatient.

