



COVID-19 Update: Governor DeWine asks all employers to take employees' temperatures every day

March 18, 2020

During his March 18, 2020, news conference, Ohio Governor Mike DeWine asked all employers throughout the state to immediately begin taking employees' temperatures before they start work each day. Employers should note that this is a request by the governor and not a mandate or formal order. This is a significant initiative both from a public health and a legal perspective.

Fever (defined by the [Centers for Disease Control and Prevention \(CDC\)](#) as a temperature of 100.4 °F or greater) is one of the three most common symptoms of COVID-19, including cough and shortness of breath. Governor DeWine said that although the temperature check is not "perfect," it is one way to screen out employees who may be sick. He advised that employees with fevers should be sent home. Employees sent home due to COVID-19 concerns may be eligible for [expanded unemployment insurance](#) if paid leave or other relief is unavailable.

Under normal circumstances, the Americans with Disabilities Act would prohibit measuring an employee's temperature without proof of business necessity or a showing of direct threat to the health and safety of others.

However, the governor's request is in accordance with the latest guidance from the Equal Employment Opportunity Commission, which states that employers may take employees' temperatures during the COVID-19 pandemic because of community spread of the virus and related precautions issued by the CDC and state and local health authorities.

Temperatures should be taken in a manner that is consistent with social distancing policies and does not reveal the thermometer

reading to other employees (i.e., one at a time in a private space, with employees waiting in line spaced six feet apart). Further, employers should have other established protocols and procedures to ensure that:

- the person taking temperatures has the requisite knowledge to do so and to assess the results;
- the thermometers are properly disinfected between uses;
- there is a clear understanding of what will be deemed an elevated temperature;
- when an employee's temperature is found to be elevated, confidential employee medical information remains protected while acting on that information to protect the health and safety of others in the workplace.

Employers should also note that just as having a fever does not necessarily mean an employee has COVID-19, the absence of a fever does not guarantee that an employee does not have COVID-19. Health officials have reported that people can carry and spread the disease while being asymptomatic. While employers should comply with the governor's request, employers should also continue to monitor employees for other symptoms of COVID-19 and encourage compliance with CDC recommendations.

Authors
