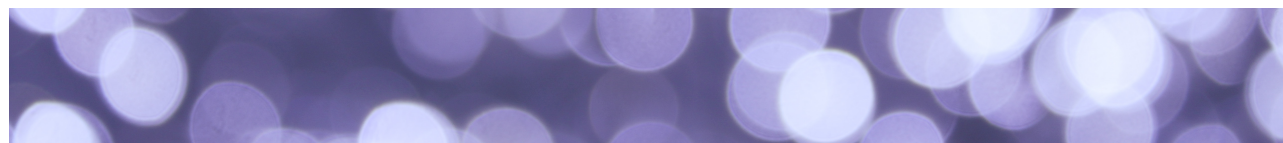


*The Pennsylvania Municipal League provides the PELRAS UPDATE as a benefit of the PELRAS Program.
Articles provided by Campbell Durrant, P.C.*



June 2020



EEOC Issues Updated Guidance on Covid-19 and EEO Laws

By Julie A. Aquino, Esq.

On June 11, 2020 and June 17, 2020, the EEOC updated its [Question and Answer document](#) on COVID-19 and equal employment opportunity laws. The EEOC confirmed that employers are not required to provide accommodations for disabilities of family members of employees. The EEOC also announced that although employers may test employees to determine if they have an active case of COVID-19, employers may not require COVID-19 antibody testing.

[Read More](#)

Takeaways

- Employers are not required to provide accommodations for disabilities of persons associated with an employee, such as family members.
- Employers may require applicants or employees to be tested to determine if they have an active case of COVID-19. However, employers may **not** require COVID-19 antibody testing.

- Employers cannot exclude older or pregnant employees from the workplace, even if for benevolent reasons.
- Accommodations for caregiving must be provided equally and not based on the employee's gender.
- Employers should be alert to derogatory or hostile remarks directed to employees who are or are perceived to be of Chinese or other Asian national origin.

The Bottom Line

Employers should review the EEOC's updated guidance on COVID-19 and EEO laws. The EEOC addresses important topics such as accommodation requests, medical screening of employees and applicants for COVID-19, and other EEO related matters.

Commonwealth Court Rules that CBD User is Eligible for Unemployment Compensation Benefits

By Audrey R. Cillo, Esq.

On May 11, 2020, the Pennsylvania Commonwealth Court upheld the state Unemployment Compensation Board of Review's ("Board") order granting benefits to a Cannabidiol ("CBD") user after her employment was terminated for testing positive for marijuana. *Washington Health Sys. v. Unemployment Compensation Bd. of Rev.*, 2020 WL 2312347 (Pa. Commw. Ct. May 11, 2020). The majority opinion concluded that the employee was eligible for benefits because the employer did not submit the drug test result as evidence and thus failed to demonstrate that the employee violated its Drug and Alcohol Free Workplace Policy.

[Read More](#)

Takeaways

- Employers must submit authenticated drug test results in unemployment compensation hearings if the basis for termination was a failed drug test result.
- An employee terminated for off-duty CBD use may be eligible for unemployment benefits if the employer cannot prove a violation of its drug and alcohol policy.

The Bottom Line

While the Commonwealth Court upheld an award of unemployment benefits to a CBD user discharged for failing a drug test, based on the fact that the employer did not submit the drug test result into evidence, the Court did not create a *per se* rule with respect to benefit eligibility in cases involving CBD or medical marijuana use.

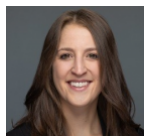
Questions? Please contact:



Julie A. Aquino

jaquino@cdblawn.com

Ph#: [412-337-8010](tel:412-337-8010)



Audrey R. Cillo

acillo@cdblawn.com

Ph#: [412-295-7947](tel:412-295-7947)



Pennsylvania Municipal League

414 N. 2nd St.
Harrisburg, PA 17101
800-922-8063

You are receiving this bimonthly (Feb., April, June, Aug., Oct., Dec.) PELRAS Update as a benefit of your membership in The Pennsylvania Municipal League or The League's Public Employer Labor Relations Advisory Service (PELRAS).

[Unsubscribe](#)



mailer lite