

# UNITED SPINAL<sup>NOW</sup>

## Work From Home – Post-Public Health Emergency

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**T**he COVID-19 Public Health Emergency is over, but the lessons learned from the pandemic – let’s hope – stay with us.

First, be aware that when I was a boss, I was not a big believer in “work-from-home.” As I took the Long Island Rail Road and subway to work and home every day, I imagined those working from home getting up late or having time to see the kids off to school and spending the day in sweatpants and t-shirts.

I thought workers would be less productive from home. Certainly, in the case of United Spinal Association, I was wrong. We were forced to work from home, and United Spinal’s employees proved that I had no idea what I was talking about. I’ve heard this same story countless times from employees and employers all over the country.

Working remotely, made possible by the information technology revolution of the last thirty years, is here to stay and that bodes well for the employment prospects of people with disabilities and/or health problems. Employers no longer have to imagine how remote work will affect productivity; COVID-19 compelled them to adopt work-from-home policies.

For example, now a reasonable accommodation request to work remotely because of immunodeficiency doesn’t seem like such a stretch for most employers, provided of course that the employee can perform the essential functions of the job, consistent with Americans with Disabilities Act (ADA) requirements.

Flexible work hours, requested as a reasonable accommodation for people whose disabilities require them to attend medical appointments such as dialysis, etc. are easier to provide after the experience of the pandemic. Employers accommodated workers. Moreover, the worker shortage experienced by many employers has made them undoubtedly more accommodating.

The ADA is a roadmap for employees seeking accommodation enabling them to work and employers needing guidance in the post-pandemic era that is upon us. Employers should remember that while the pandemic has been declared politically over, epidemiologically, the disease is still prevalent. Those with immunodeficiencies may still be vulnerable, despite politicians’ pronouncements.

We’re all used to seeing people in masks, but they are no longer commonplace. Of course, employers should let employees who need to (or even want to) wear masks, but closer calls will definitely arise. For example, suppose an employee who is immunocompromised wants all employees to wear masks. If it is necessary to accommodate this particular employee’s particular type of immunological problem and it is reasonable, i.e., it does not impose an undue burden on the employer’s business, it would be required by ADA.

The intemperance of Americans, as reported daily by cable news, is undermined in part by the team effort made by almost every one of us to get the country on the safer side of COVID-19. If only for self-preservation, we accommodated each other. We took precautions to protect others. Businesses fought to stay open and accommodated employee requests. Work had to get done, and the manner in which it was performed became less relevant. The compelling question was, did the job get done?

Since World War II, and the return of tens of thousands of veterans with disabilities who needed work, we have aspired to employ people with disabilities. Compassion and understanding have always been necessary and, of course, the ADA’s accommodation mandate essentially requires it.

The COVID-19 experience has provided flexible work opportunities for people with and without disabilities, the reasonableness of which has been demonstrated millions of times in the last three years.