

**From:** [Jaime Rush - AIDS Legal Referral Panel](#)  
**To:** [Jim McBride](#)  
**Subject:** Employment Issues during the COVID-19 Pandemic  
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# Employment Issues during the COVID-19 Pandemic

To Our ALRP Family Members:

As we continue to witness the impact of the COVID-19 pandemic in our community, workers struggle to understand how the virus will affect their jobs - now and in the future. While many are dealing with unemployment, we must also address the significant concerns of essential employees and others who are still working during the pandemic. People living with HIV/AIDS and other pre-existing health conditions are at high risk for serious complications if they contract COVID-19. They may have concerns about the safety of their workplace, but fear that they will be penalized or even fired if they refuse to come in.

All employees in California have the right to a safe and healthy workplace. Many cities, including San Francisco, have implemented new COVID-specific requirements for employers (e.g. minimizing or eliminating in-person job functions, enforcing social distancing protocols, providing sanitizing products and protective equipment), in order to reduce the risk of transmission to employees and to the general public. However, even with such measures in place, an employee living with HIV/AIDS may still feel unsafe going into work.

Under the California Labor Code, an employee may refuse to perform their job if the work poses a risk of serious harm and the employer fails to take reasonable measures to reduce the risk. If an employee refuses to work in spite of an employer's reasonable efforts to maintain a safe and healthy workplace, the employee may be subject to discipline or be fired. **Any employee facing discipline under these circumstances should consult with an attorney or employment specialist.**

Employees living with HIV/AIDS may also worry about the impact that COVID-19 could have on the confidentiality of their medical information. In March, the Equal Employment Opportunity Commission (EEOC) updated existing guidance by allowing employers to request additional health information from employees who exhibit symptoms of infection. However, an employee who is not showing symptoms cannot be asked about other conditions that may make them more vulnerable to the virus. The new EEOC guidance also allows employers to take their employees' temperatures at work and to require that symptomatic employees stay at home.

**Please reach out to ALRP or another legal services organization to learn more about your rights and responsibilities as an employee during COVID-19.**

ALRP stands ready to assist employees living with HIV/AIDS throughout the Bay Area who are experiencing legal issues related to COVID-19. Please refer [here](#) for more information on how to access our services during this time.

From the Heart,

Jaime Rush  
Managing Attorney

*Special thanks to ALRP Staff Attorneys Kaitlyn Willison and Emily Heinzen for their help in creating this email.*



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