

## Managing Employees With Long-term COVID-19 Health Effects

The end of the COVID-19 pandemic feels like it's almost here—businesses are reopening, mandates are ending and more Americans are getting vaccinated every day.

However, employers need to remember that the pandemic has not officially ended. There are still a significant number of U.S. adults who are not fully vaccinated, primarily due to a [lack of willingness](#).

That means employers should be prepared for the effects of COVID-19 to linger for at least the immediate future. Among these effects are the potential long-term health consequences of contracting the disease and its related variants, such as Delta.

This article outlines the long-term impact COVID-19 may have on individuals and provides general information on how affected employees may qualify for certain protections under workplace laws.

### Long-term COVID-19 Health Consequences

By now, most people are aware of some of the ways COVID-19 can affect a body. For many, a COVID-19 infection means a terrible cough, fatigue, fever and taste loss. With treatment, these symptoms are typically resolved within a couple of weeks.

For some individuals, however, these symptoms do not go away after a brief period. Instead, they persist even amid treatment. The Centers for Disease Control and Prevention (CDC) [categorizes](#) these lingering health effects as “post-COVID conditions,” “long-haul COVID” or “long COVID.”

According to the CDC, post-COVID conditions are a wide range of new, returning or ongoing health problems people can experience more than four weeks after first being infected.

Even individuals who did not have symptoms upon their initial contraction may develop post-COVID conditions, further complicating these situations.

Post-COVID symptoms can last weeks or months after first being infected COVID-19 or can appear weeks after infection. These conditions can happen to anyone who has had COVID-19, even if the illness was mild or they had no previous symptoms. People with post-COVID conditions report experiencing different combinations of the following symptoms:

- Tiredness or fatigue
- Difficulty thinking or concentrating (sometimes referred to as “brain fog”)
- Headache
- Loss of smell or taste
- Dizziness on standing
- Fast-beating or pounding heart (also known as heart palpitations)
- Chest pain
- Difficulty breathing or shortness of breath
- Cough
- Joint or muscle pain
- Depression or anxiety
- Fever
- Symptoms that get worse after physical or mental activities



Post-COVID conditions also can include the longer-term effects of COVID-19 treatment or hospitalization. Some of these longer-term effects are similar to those related to hospitalization for other respiratory infections or other conditions. For employers, it's worth noting that like other health conditions, some post-COVID conditions could have workplace implications.

## Employment-related Considerations

At this point, it's clear that COVID-19 and its related variants don't affect everyone in the same way. Some individuals, when infected, may become severely ill for an extended period.

As such, employers should stay up-to-date on all applicable laws and understand their obligations to accommodate employees who develop these prolonged symptoms. Specifically, these individuals may qualify for certain protections under the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

### Long-COVID and the ADA

The ADA, which applies to employers with 15 or more employees, protects individuals with a disability from receiving adverse treatment due to their disability. Further, employers are required to provide "reasonable accommodation" to ADA-qualifying employees unless such accommodation would cause an employer "undue hardship."

In some cases, employees with post-COVID conditions could [qualify](#) under the ADA. Therefore, employers should be prepared to provide reasonable accommodation and be flexible and accommodating when faced with a situation that could implicate the ADA.

Employers seeking guidance under specific circumstances are encouraged to speak with legal counsel before taking action in a given situation.

### Long-COVID and the FMLA

The FMLA, which applies to employers with 50 or more employees, is another workplace law potentially relevant to employees with post-COVID conditions. This law is intended to provide [qualifying employees](#) with time away from work to recover from "serious health conditions," among other reasons.

According to the U.S. Department of Labor, there are a [number of definitions](#) that may constitute a serious health condition. Among others, this list of serious health conditions includes a period of incapacity (i.e., inability to work or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from) of more than **three consecutive calendar days** and any subsequent treatment or period of incapacity relating to the same condition.

Employers should note that some of these definitions could potentially apply to post-COVID conditions, such as the "three consecutive calendar days" language. Therefore, employers should be aware these conditions could have workplace implications, and be prepared to evaluate unique employee situations and provide leave when necessary. As always, employers should speak with legal counsel for specific guidance on these matters.

## Summary

The COVID-19 pandemic may seem like it's winding down, but, for some people, its effects may persist well into the future. It's important for employers to familiarize themselves with their obligations to assist these individuals. Additionally, employers should consider any applicable state or local laws that may be relevant to employees with post-COVID conditions.

For more general workplace guidance on COVID-19 and many other topics, contact VCG Consultants today.

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