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Americans with “Long COVID” May Qualify for Disability Benefits

The Biden administration recently announced that Americans with “long COVID” may qualify for reasonable accommodation under the Americans with Disabilities Act (“ADA”). Long COVID includes a range of symptoms that can last for weeks or months after someone has coronavirus. These symptoms include, but are not limited to the following: tiredness or fatigue; difficulty thinking or concentrating; shortness of breath or difficulty breathing; headache; dizziness on standing; fast-beating or pounding heart; chest pain; cough; joint or muscle pain; depression or anxiety; fever; or loss of taste or smell.

If a person has any of these symptoms and they cause a physical or mental impairment that substantially limits one or more major life activities, that person may be deemed to have a disability.

In conjunction with the announcement, the Department of Health and Human Services and the Department of Justice released [guidance](#) to provide clarity on the potential disability benefits for people experiencing long COVID, including examples of reasonable accommodations for people whose long COVID qualifies as a disability. These examples include:

- Providing additional time on a test for a student who has difficulty concentrating
- Modifying procedures so a customer who finds it too tiring to stand in line can announce their presence and sit down without losing their place in line
- Providing refueling assistance at a gas station for a customer whose joint or muscle pain prevents them from pumping their own gas
- Modifying a policy to allow a person who experiences dizziness when standing to be accompanied by their service animal that is trained to stabilize them

Employers should comply with the ADA if an employee meets the definition of having a disability due to long COVID. Employees are entitled to accommodations even if the employee only needs them temporarily. Long COVID symptoms can be episodic and an employee’s limitations may change over time. Employers should be careful to comply with the ADA for all employees with disabilities, including long COVID in order to avoid employment discrimination claims. Employers should prepare for accommodation requests related to symptoms like shortness of breath, fatigue, and brain fog.

Contact your GRO attorney to discuss any questions or concerns you have regarding long COVID disability benefits.

