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**Monday, March 30, 2020**

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**Dear HAWDC Member:**

HAWDC has worked with the District's Attorney General's Office to issue guidance to members who may choose to provide temperature checks to employees, guests, and vendors, prior to entering their buildings. The law regarding this area is unsettled. Generally, requiring employees to submit to temperature checks would be considered a medical exam and would be prohibited under federal law. However, the federal Equal Employment Opportunity Commission (EEOC) has issued some guidance during the COVID-19 pandemic.

The EEOC states: "Generally, measuring an employee's body temperature is a medical examination. Because the CDC and state/local health authorities have acknowledged community spread of COVID-19 and issued attendant precautions, employers may measure employees' body temperature. However, employers should be aware that some people with COVID-19 do not have a fever."

For further questions regarding employer/employee's rights during the pandemic, please click [here](#).

As to screening customers and vendors, the D.C. Human Rights Act would generally apply. Any testing would need to be done fairly and without singling out particular groups or people. The Human Rights Act also prohibits discrimination against people with disabilities. Nonetheless, District law has a "business necessity" exception under which a business can engage in certain otherwise prohibited activities if it's necessary to ensure continuing operations.

Regards,  
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