



# State of Rhode Island and Providence Plantations Governor's Commission on Disabilities

John O. Pastore Center, 2 Cherry Dale Court,  
Cranston, RI 02920-3049  
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711  
(e-mail) [GCD.Disabilities@gcd.ri.gov](mailto:GCD.Disabilities@gcd.ri.gov) (website)  
[www.disabilities.ri.gov](http://www.disabilities.ri.gov)

## Coronavirus Disease 2019 (COVID-19) Equity in Customer Service upon Opening RI Economy Guidance

This is a notification from the Rhode Island Governor's Commission on Disabilities (GCD)<sup>i</sup> with respect to COVID-19. During a pandemic, places of commerce and government agencies should rely on the latest information from the Center for Disease Control and Prevention (CDC) and state and local public health agencies to obtain public health advice for their businesses so as to enable them to avoid discriminatory conduct and to make reasonable accommodations for people with disabilities as required by law.

Businesses, local and state government, and non-profits are required to abide by the Americans With Disabilities Act (ADA) and state and local anti-discrimination laws and regulations. The GCD has extracted the following guidance from US Federal agencies, see listing on page 3, during the reopening of the economy amidst COVID-19. In addition to prohibiting discrimination based on disability, state and federal laws also prohibit discrimination in places open to the public based on race, color, national origin, religion, sex, age, sexual orientation, gender identity/expression, and genetic information.

### Frequently Asked Questions pertaining to COVID-19:

- **Do people who are COVID-19 positive, or people who are symptomatic, present in a place open to the public pose a direct threat?**

**Yes.** According to guidance issued by the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard.

- **Do people with disabilities or underlying health conditions, present in a place open to the public at the current time, pose a direct threat?**

**No,** people with disabilities or underlying health conditions, **absent** COVID-19, or symptoms of, are not a direct threat and **may not be** excluded from receiving services from a place open to the public on the basis of disability. Service providers **may ask** if they are experiencing symptoms of the pandemic virus but only if they are asking the same question of all potential customers regardless of disability status. All information must be maintained as a confidential medical record in compliance with the ADA.

- **May a place open to the public protect the health of people with disabilities or underlying health conditions by restricting access?**

**No,** while any entity may suggest to people with specific underlying health conditions that attendance may increase their risk of acquiring COVID-19, they **may not** exclude such individuals from their place of business.

- **Are there [reasonable accommodations](#) for individuals with disabilities, (absent [undue hardship](#)) to the place of business, that could offer protection to a person who, due to a pre-existing disability (i.e. underlying health condition), is at higher risk from COVID-19?**

**Yes,** there may be reasonable accommodations that could offer protection to an individual whose disability puts them at greater risk from COVID-19 and who request such actions to eliminate possible exposure. Even with the constraints imposed by a pandemic, some accommodations may meet the needs of a person with a disability on a temporary basis without causing undue hardship.

- **May a place open to the public create Zero Tolerance Policies with respect to face coverings?**

**No**, zero tolerance policies make it impossible to make reasonable accommodations required by state and federal law. Entities must follow state regulations and guidelines on requiring face masks and must accommodate anyone who is unable to wear a face mask for reasons related to health/disability.

- **Do websites have to be accessible?**

**Yes**, the provisions of the ADA have been interpreted by the U.S. Department of Justice to apply to web content. Businesses are encouraged to refer to the Web Content Accessibility Guidelines 2.0AA for best practices. Website design should include posting documents in an accessible format, ensuring videos and other multimedia have accessible features, (I.e. captioned, interpreted, or posted text of audio and images have text equivalents) [www.ada.gov/websites2.htm](http://www.ada.gov/websites2.htm).

### **STRATEGIES FOR REDUCING STIGMA**

- Maintain the privacy and confidentiality of those seeking healthcare and those who may be part of any contact investigation.
- Quickly communicate the risk or lack of risk from associations with products, people, and places.
- Raise awareness about COVID-19 without increasing fear.
- Share accurate information about how the virus spreads.
- Speak out against negative behaviors, including negative statements on social media about groups of people, or exclusion of people, who pose no risk from regular activities.
- Be cautious about the images that are shared. Make sure they do not reinforce stereotypes.
- Engage with stigmatized groups in person and through media channels including news and social media.
- Thank healthcare workers and responders who have performed a valuable service to everyone by helping to make sure this disease does not spread further.

**Additional information regarding civil rights and COVID-19 can be found at:**

ADA National Network: <https://adata.org/factsheet/reasonable-accommodations-workplace>

National Response Coordination Center (NRCC) Healthcare Resilience Task Force:

<https://asprtracie.hhs.gov/technical-resources/resource/8126/crisis-standards-of-care-and-civil-rights-laws>

US Centers for Disease Control and Prevention (CDC): Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) [https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html); and

US Department of Health and Human Services, Office of Civil Rights In Action:

<https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>;

US Department of Justice: COVID 19 Resources: Emergency preparedness & response

[https://www.ada.gov/emerg\\_prep.html](https://www.ada.gov/emerg_prep.html);

US Department of Justice: Protecting Civil Rights While Responding to the Coronavirus Disease 2019 (COVID-19):

[https://www.ada.gov/aag\\_covid\\_statement.pdf](https://www.ada.gov/aag_covid_statement.pdf);

US Equal Employment Opportunities Commission: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

**State resources:**

Commerce RI <https://commerceri.com/covid-19/> 278-9100 or [info@commerceri.com](mailto:info@commerceri.com)


Governor's Commission on Disabilities <http://www.gcd.ri.gov/> 462-0108 or [denyse.wilhelm@gcd.ri.gov](mailto:denyse.wilhelm@gcd.ri.gov)

Office of Diversity, Equity & Opportunity <http://odeo.ri.gov/> 222-6398 or [Krystal.Waters@doa.ri.gov](mailto:Krystal.Waters@doa.ri.gov)

RI Commission for Human Rights [www.richr.ri.gov/](http://www.richr.ri.gov/) 222-2661 [RICHR.Info@richr.ri.gov](mailto:RICHR.Info@richr.ri.gov)

RI Department of Business Regulation <https://dbr.ri.gov/covid/covid19updates.php> 889-5550  
or <https://dbr.ri.gov/critical/>

RI Department of Health <https://health.ri.gov/diseases/ncov2019/> 222-8022 or  
[RIDOH.COVID19Questions@health.ri.gov](mailto:RIDOH.COVID19Questions@health.ri.gov)

 TTY: 711 to contact any of the agencies listed above.

Sincerely,

*Bob Cooper*

Bob Cooper,  
Executive Secretary  
Rhode Island Governor's Commission on Disabilities

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