

COVID-19 RESOURCE: SNIFF TEST INFORMATION

During the District sessions of the NPGA Board of Directors meeting, a question was raised about the regulatory requirements and consequences of an employee who has lost the sense of smell as a result of contracting COVID-19, specifically, in regards to the performance of sniff tests.

Employers can utilize a three-part analysis to assess the impact and obligations for a company:

1. Is performance of the sniff test an essential function of the job?
 - An essential function is a basic component of the job responsibilities with the expectation that the employee is able to perform the function during the normal course of work.
 - The job description can demonstrate that it is an essential function. The job description does not have to specifically identify the sniff test, but it may describe performance of duties in accordance with NFPA 58 and other regulations, which require the performance of the sniff test.
2. If yes, can the lack of smell be reasonably accommodated by the employer?
 - Employers have an obligation to reasonably accommodate a medical condition.
 - What is “reasonable” depends on the size and resources of each company.
3. Are the accommodations an undue burden on the employer?
 - Accommodations are not reasonable if they impose an undue burden on the employer.
 - For example, an employer may purchase an odorometer or stain tubes to verify odorant. The purchase and routine operation of an odorometer and/or related equipment may exceed \$5,000, which may be an undue burden on the company.
 - Reassigning performance of the sniff test, as an essential function of the job, to another employee would be considered an undue burden.

As a performance assessment, an employer can administer a ‘smell check’ for an employee who contracted COVID-19 to verify the sense of smell. This can be simply asking the employee to smell different containers to verify if there is odorant. An employer can document and record performance of the ‘smell check’ and the employee’s response.

Companies may also consider internal policies and procedures for addressing occasions when employees have a common cold or other illness that may impact their sense of smell.

Please direct any questions to [Sarah J. Reboli](#), Senior Director of Regulatory & Industry Affairs.