

CDC Issues Guidance on Testing Employees for COVID-19

By Nancy Cleeland

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To help employers think through the pros and cons of testing employees for COVID-19, the U.S. Centers for Disease Control and Prevention (CDC) has issued guidance that describes five scenarios in which testing might be effective or appropriate.

In general, employers should be strategic about testing and have a plan for what to do when results are positive (www.shrm.org/ResourcesAndTools/hr-topics/employee-relations/pages/contact-tracing-employers.aspx), the agency advised in its guidance for testing in non-healthcare workplaces (<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/testing-non-healthcare-workplaces.html#strategy>).

Testing is most appropriate in areas where there is moderate to substantial community transmission of COVID-19 and at workplaces where employees are in close contact with each other or the public, the CDC said.

The agency emphasized that its June 3 guidance is subject to change and doesn't override state or local public health provisions or direction from the Equal Employment Opportunity Commission (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>) (EEOC).

Michael Oliver Eckard, a shareholder in the Charleston and Atlanta offices of Ogletree Deakins who summarized the CDC document (<https://www.natlawreview.com/article/cdc-issues-covid-19-testing-strategy-guidance-workplaces>) for the *National Law Review*, said further clarification is likely to come from the CDC as well as the EEOC and the Occupational Safety and Health Administration (OSHA).

"There are still a lot of questions out there for employers who are looking to implement testing," said Eckard, who nevertheless called the latest guidance "a welcome development."

SHRM MEMBER-EXCLUSIVE RESOURCE SPOTLIGHT

Coronavirus and COVID-19 (www.shrm.org/ResourcesAndTools/Pages/communicable-diseases.aspx)

The Five Testing Scenarios

The CDC described five situations in which testing might be appropriate, whether done by a health care professional or the employer.

- **Testing employees who show symptoms.** If, for example, an employee is found to have a fever during a daily temperature check at work, that employee should immediately be isolated from others, sent home or to a health care facility, and be tested for the coronavirus. Any employee who might have been infected by that person should also be sent home to quarantine pending the test results.
- **Testing employees who have been exposed to the virus.** If an employee has been exposed to a confirmed COVID-19 case, he or she should be quarantined immediately and tested for the virus. Testing should be done several days after exposure because the

virus might not be detected immediately, the agency advised. The employee should remain quarantined at least until test results are received.

- **Testing all employees each shift or at regular intervals.** A mass testing approach might be appropriate in areas where there is high transmission and workers are in close contact with each other, the CDC said. However, "before testing a large proportion of asymptomatic workers without known or suspected exposure, employers are encouraged to have a plan in place for how they will modify operations based on test results and manage a higher risk of false positive results in a low prevalence population."
- **Testing once-infected employees before they return to work.** Employers can choose to have recovered employees tested before they return to work, the CDC said, but tests may continue to find traces of the virus even after the person has recovered. The agency seemed to prefer a time-based approach to ending quarantine, such as 14 days from exposure, over a testing requirement. "Most people with COVID-19 have mild illness, can recover at home without medical care, and can follow CDC recommendations to determine when to discontinue home isolation and return to work," it said.
- **Testing to evaluate protective measures or find transmission hot spots at work.** This kind of surveillance program is more often a public health function, and employers should undertake it only "if the results have a reasonable likelihood of benefiting workers."

No Silver Bullet

In the first months of the pandemic, widespread testing for the virus was touted by some, including Amazon Chief Executive Officer Jeff Bezos, as the safest way to get employees back on the job.

"If every person, including people with no symptoms, could be tested regularly, it would make a huge difference in how we are all fighting this virus. Those who test positive could be quarantined and cared for, and everyone who tests negative could re-enter the economy with confidence," Bezos wrote in an April blog post (<https://blog.aboutamazon.com/company-news/scalable-testing-for-coronavirus>) that announced the company was planning to build its own testing labs.

Amazon is reportedly moving forward with a pilot to test warehouse employees. However, discouraged by supply shortages, costs and logistical hurdles, few other employers are leaning in that direction.

[*SHRM members only: COVID-19 Back-to-Work Checklist* (www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/covid-19-back-to-work-checklist.aspx)]

A survey by global business consultancy Mercer found that just 3 percent of employers planned to test for the virus (https://app.keysurvey.com/reportmodule/REPORT2/report/41488264/41196084/81161cc101fab7845b8cb499d857e8b9?Dir=&Enc_Dir=60e929fb&av=lxnlBAm77ac%3D&afterVoting=766b5e62be4f&msig=32162cb48db989d5d550fdc13ba64dc0) in regular

screenings. "Being able to screen a population from a cost-effective standpoint would be awesome, but until we have a five-dollar test people can do at home, that's probably not going to happen on a large scale," said David Zieg, Denver-based clinical services leader at Mercer.

Zieg said there is a role for strategic testing in an employer's response to the pandemic, but as part of a larger plan that includes social distancing, hand hygiene, sanitation and contact tracing.

"Right now, I would advise employers to focus in on symptomatic and quarantined individuals and keep it to that at first," he said. What's most important is to be prepared by devising a strategy and lining up vendors who can provide quick and reliable testing when needed. "If it's a smaller employer, they could find out who is testing in the area and create a relationship with them, even if it's a local pharmacy."

"Logistically, employers are overwhelmed. Even just reading through the guidance and knowing what it means is challenging," Zieg said. Rather than rushing into an ill-thought plan, he advised, "Step back and break it down into pieces, then create specific actions for each scenario."

One Component of a Larger Plan

Eckard of Ogletree Deakins agreed that viral testing is not a cure-all but "can be a useful component for employers as part of an infection control program. None of these approaches is perfect. Adding testing to the other things you're doing like temperature taking and encouraging people to stay home when they feel sick is helpful because it gives you an additional layer of protection."

He advised that "employers considering testing may want to review these [CDC] guidelines carefully and evaluate additional requirements and guidance from the relevant state and local governments and public health authorities prior to implementing any large-scale testing program."

Additional *SHRM Online* resources on this topic:

Complying with EEOC Anti-Discrimination Laws During the Pandemic (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/complying-with-eeoc-anti-discrimination-laws-during-coronavirus-pandemic.aspx)

EEOC: Mandatory Antibody Testing Is Prohibited (https://shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/eeoc-says-mandatory-coronavirus-antibody-testing-is-prohibited.aspx?_ga=2.138381945.870424597.1594643089-2001400392.1582295686)

New OSHA Guidance Clarifies Return-to-Work Expectations (https://shrm.org/resourcesandtools/hr-topics/employee-relations/pages/osha-return-to-work-guidance.aspx?_ga=2.141575803.870424597.1594643089-2001400392.1582295686)

Departments Issue Further Guidance on COVID-19 Testing Coverage (www.shrm.org/resourcesandtools/hr-topics/benefits/pages/departments-issue-further-guidance-on-covid-19-testing-coverage.aspx)

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