

Insights, News & Events

SUPER STRATEGIES: THE NFL'S COVID-19 SUCCESS REVEALS UNIQUE WAYS TO DECREASE WORKPLACE TRANSMISSION

Insights
Feb 17, 2021

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The National Football League recently concluded its 2020 season with the Tampa Bay Buccaneers claiming a **31-9 victory** over the Kansas City Chiefs in Super Bowl LV – but perhaps the bigger story is the league claiming victory over the COVID-19 pandemic to complete one of the most unique seasons in history. Once thought impossible by many, the NFL overcame significant odds to stage its season culminating in a successful Super Bowl (which included an underappreciated **halftime show** by The Weeknd). What lessons can employers learn from the NFL's example given the challenges all workplaces face as a result of the COVID-19 pandemic?

NFL's Accomplishment Was No Accident

The NFL's success was largely the result of its attention to detail concerning how the novel coronavirus spreads and how to prevent transmission of COVID-19 amongst players and staff. In fact, the NFL conducted several **successful studies** and made many conclusions regarding COVID-19 that were so ingenious and effective that the Centers for Disease Control and Prevention (CDC) and other health agencies took note.

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The league closely examined, among other things, how COVID-19 spread in outdoor and indoor settings, the concept of “high-risk” contacts, how driving in a car or eating a meal with an infected person increased the chances of contracting it, and how improved ventilation decreased the likelihood of spread. Data gleaned from these studies allowed the NFL to develop more effective ways of decreasing the spread of the virus, thereby minimizing the number of players or staff who needed to miss a game.

NFL’s Joint Study With CDC

The NFL and CDC [jointly published an article](#) in January 2021 on the league’s COVID-19 success which highlights one of the league’s key conclusions. The NFL found that transmission of the coronavirus occurs frequently even to persons ***with less than*** 15 minutes of consecutive or cumulative interaction with an infected person. This discovery ran mostly counter to [previous guidance](#) from the CDC.

Nevertheless, the NFL made changes to their workplaces to account for that finding. As an example, the league concluded that “among 21 persons with suspected transmission for one team, 12 had no noted interactions of greater than 15 consecutive minutes with a person with confirmed COVID-19, including eight who had **no interactions greater than 5 consecutive** minutes.” Given the discovery that even brief, high intensity interactions can lead to COVID-19 transmission, the league reassessed how it conducted contact tracing and prevented transmission.

The precautions taken by the league included increasing the frequency of wearing masks, avoiding high-risk interactions between any two individuals (including car rides and consuming meals in the same room or common area), and “expansion of the components of contact tracing to incorporate high-risk contact designations.” Given the broad reach and effectiveness of the NFL’s strategies, they “are applicable to other settings, including essential

workplaces, long-term care facilities, and schools," as noted by the CDC.

Strategies For Employers

When planning to reopen your workplace during the midst of the COVID-19 pandemic, or reassessing your current situation, you should consider adopting some of the same strategies implemented by the NFL. You can take the following four steps to incorporate lessons learned by the league and to help minimize transmission of COVID-19 as in-person work environments continue to reopen:

1. Reinforce Mask-Wearing Policies

Wearing masks has **proven effective** to decrease transmission of COVID-19. The NFL's studies confirmed that point, and further revealed that (surgical) medical masks were more effective than other cloth face coverings. The league also discovered that transmission in a workplace was significantly diminished when workers are required to wear masks **at all times**, except when removed to eat or drink.

Following the league's lead, you should remind employees of the importance of mask wearing, provide them with proper masks (e.g., surgical masks) to wear (and replacement masks within reason when necessary), and reinforce your rules on masks through education and disciplinary (e.g., counseling) enforcement as necessary.

2. Eliminate Ridesharing And Communal Food Consumption

Some of the NFL's most novel and effective findings involved the concept of "high-risk" contacts, or those who had brief but intense interactions with infected persons. High-risk contacts included those who rode in a car with someone with the virus or consumed a meal with an ill person, even for a short period of time.

To decrease the number of COVID-19 cases among your workers, consider eliminating ridesharing arrangements that are company sponsored where possible, and discourage employees from riding together to and from work. Obviously, if working from home is a possibility, that option will significantly decrease the amount of time spent in vehicles with coworkers.

3. Increase Ventilation And Use Outdoor Settings

The NFL discovered that transmission of COVID-19 was much less likely in outdoor settings and where adequate ventilation was present (e.g., not in a vehicle). Thus, the league shifted many meetings outdoors and to open-air settings where possible.

To the extent feasible, and as warmer weather approaches this spring, you should consider hosting in-person meetings for your workers outside, in areas where large doors or windows can be opened, or in other large spaces with increased ventilation. Also, you should contact your HVAC contractor or landlord and ask that the number of air exchanges in your workplace be increased and that all air filters in the space be changed each month.

4. Remove High-Risk Exposure Employees from The Workplace

As noted [previously](#), the CDC recommends that you should quarantine for 14 days (or a shorter period if directed by local health department) all workers who have close contact with an infected employee. The CDC defines a close contact as an employee who was within 6 feet of an infected person for **a cumulative total of 15 minutes or more over a 24-hour period starting from two days before illness onset (or, for asymptomatic patients, two days prior to test specimen collection) until the time the patient is release from self-isolation.** In addition to those employees meeting the traditional CDC close contact definition, the NFL expanded the universe of employees to be excluded from a workplace to

include “high-risk” contacts, such as those who had brief, intense interaction with an infected worker, like riding in a vehicle or without a mask in poorly ventilated area, even if the interaction was less than 15 minutes.

Following this strategy, you should consider adopting uniform, consistently applied contact tracing policies where employees who have similar, high-intensity interactions are likewise quarantined, in addition to those meeting the traditional CDC close contact parameters.

Conclusion

The NFL’s 2020 season was a success, both on the field and through its creative and effective strategies in diminishing the impact and transmission of COVID-19 in the workplace. Consider adopting the strategies developed by the league as you continue to bring more employees back to the workplace in the coming months. This is a constantly evolving area, and we will keep up updated as additional information becomes available.

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips’ Alert System](#) to get the most up-to-date information. For a more thorough analysis of the many issues you may encounter, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

This Legal Alert provides an overview of a specific development. It is not intended to be, and should not be construed as, legal advice for any particular situation.