

FP SNAPSHOT FOR MANUFACTURERS: COVID IS STILL RELEVANT

Insights
Jul 20, 2022

Welcome to FP Snapshot on Manufacturing Industry, where we take a quick snapshot look at the most significant workplace law developments over the past month with an emphasis on how they impact manufacturers. This edition is devoted to ensuring manufacturers are aware that the Equal Employment Opportunity Commission just released new workplace COVID-19 testing rules might require you to make key changes, and serves as a reminder that COVID-19 is still a workplace safety concern.

Time to Revisit Your Testing Policies?

First, in prior guidance, the EEOC broadly allowed employers to screen workers for COVID-19 without running afoul of the Americans with Disabilities Act (ADA) due to the state of the pandemic. However, in the revised guidelines released last week, [discussed in detail here](#), the agency said you can only continue to administer viral tests as a condition of entering a worksite if you can show your testing practices are job-related and consistent with business necessity.

The July 12 update “makes clear that going forward employers will need to assess whether current pandemic circumstances and individual workplace circumstances justify viral screening testing of employees to prevent workplace transmission of COVID-19.” What do you need to know about the latest guidelines? [Our Insight contains seven key takeaways manufacturers can use from the EEOC’s latest guidance.](#)

Time to Revisit Your COVID Policies?

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Second, with the uptick in the COVID-19 positivity rate due to the emerging dominance of the BA.5 variant – thought to be the most transmissible yet – beleaguered employers once again find themselves in the position of confronting the politics and perils of implementing effective COVID-19 mitigation strategies. As [discussed more fully here](#), manufacturers should consider a four-step plan in response to the current situation – which includes reviewing your policies, determining whether to require masks again in certain situations, communicating with your workforce, and maintaining high levels of cleanliness.

Want More?

We will continue to monitor workplace law developments as they apply to manufacturers, so make sure you are subscribed to [Fisher Phillips' Insight system](#) to get the most up-to-date information directly to your inbox. If you have questions, contact your Fisher Phillips attorney, the author of this Insight, or any attorney on our [Manufacturing Industry Team](#).