



Omicron Delay of Game: 5 Lessons Employers Can Learn from Sports Leagues to Keep Your Employees from Being Benched by COVID-19

Insights

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Due to the recent Omicron surge in COVID-19 infections, many professional sports organizations have taken dramatic steps to address the rising infection rates among their players and staff. Unfortunately, the surges in the infection rates are occurring even though most leagues report strong vaccination rates. This Insight provides five takeaways that you can consider implementing using lessons learned from professional sports leagues dealing with the Omicron surge.

1. Review and Update Your COVID-19 Protocols

All professional sports leagues in the U.S. have different safety protocols for players who are vaccinated and those who are not, allowing those vaccinated to wear masks less often, travel more freely, and even dine together indoors. However, with the recent surge in COVID-19 and breakthrough infections, several are revisiting these policies. Like these leagues, employers should conduct a careful review of their COVID-19 protocols and revise the policies as needed considering the more transmissible variants. This may include updated protocols for remote work, indoor meetings, masking requirements (even for vaccinated employees), quarantine requirements for employees that test positive, and limitations on visitors.

As a part of this process, employers should regularly evaluate their policies to make sure they are in line with most recent information. This policy review should take into account the most recent [the most recent CDC guidelines](#).

Employers should also be prepared to update policies regarding when an employee is considered fully vaccinated to include the possibility of including a booster shot as part of their definition. As the new Omicron variant becomes more prevalent, the CDC is encouraging booster shots. It is likely that the CDC will require booster shots for a person to be considered fully vaccinated at some point in the future, as some sports leagues have already adopted the change.

2. Consider the Benefits of a Vaccinated Workforce

The sports leagues have demonstrated the benefits of vaccinations, with some reporting over 95% of players have been vaccinated. While the rise in infections has come despite the high vaccination rates, the impact of the virus on the vaccinated players has been limited. The lack of any significant illness with these infected players is consistent with the CDC data and medical

any significant illness with these infected players is consistent with the CDC data and medical evidence that shows that the vaccinations do protect against serious illness, hospitalizations and death.

Across the general population, the vaccination rate is a concern for many employers. Certain states have vaccination rates are below 50%, and approximately 72% of Americans aged 18 or older are fully vaccinated. But even where there are breakthrough cases documented, the COVID-19 infection is less likely to be severe for employees who are fully vaccinated, leading to cost savings for medical costs. Because the recovery time is shorter for those who have been vaccinated, this means less time off from work.

In line with the sports teams, employers may take steps to increase the percentages of employee vaccinations. A company may want to take steps to encourage employee vaccinations and adopt a robust vaccination program, including offering vaccine incentives and educational opportunities for reluctant employees. There are several employers who have adopted vaccine mandates, and other employers are subject to state and federal vaccine mandates.

3. Consider Reinstating Mandatory Masking and Social Distancing Requirements for All Employees.

In light of the Omicron variant and COVID-19 surge, many local and state governments are reinstituting health and safety measures, including masking and social distancing requirements. Indeed, employers subject to the OSHA ETS will be required to require face coverings for employees. In addition to the vaccine and testing requirements, the OSHA ETS requires covered employers to require employees who are not fully vaccinated to wear a face covering when indoors and when occupying a vehicle with another person for work purposes. Many sports leagues are also requiring masking and social distancing requirements indoors for both vaccinated and unvaccinated employees, and you may want to consider following their lead.

4. Be Thoughtful About Re-Opening Plans and Working from Home

While government shutdowns are unlikely, companies may want to follow the lead of the professional sports leagues and consider pushing back deadlines to reopen offices. Employers may also want to consider the following:

- Evaluate the potential of having employees work from home, and/or stagger shift start times, lunch breaks, and other times when employees will be in your facility.
- Continue to limit capacity in conference rooms, break rooms, offices, and restrooms to maintain social distancing.
- Continue to implement and enforce pre-screening requirements prior to entry into shared office areas.
- Utilize policies that strictly prohibit employees who are sick, or who have been in close contact with individuals who are sick, to not report to work.
- Continue with frequent facility and personal space cleaning/disinfecting.

5. Do Not Fall Victim to COVID-19 Fatigue

The pandemic has been around for close to two years and individuals and companies alike are running out of patience. Many are simply exhausted dealing with additional safety protocols. Indeed, a growing segment of America is pushing back on COVID-19 restrictions and government mandates, assuming that the continued spread of the virus is inevitable. While vaccinations and other medical advances in treatments will blunt the impact of the virus, the recent Omicron surge has clearly demonstrated the pandemic is not over.

By necessity, professional sports leagues have all been forced to deal with ramifications of player infections and have adjusted their policies accordingly. As with these organizations, employers should continue to be vigilant in addressing the virus.

- Continue to educate employees about the symptoms of COVID-19 (and the potential new/different symptoms with the new variants) and explain their similarities with more common illnesses (such as the cold/flu).
- Ask all workers to remain at home if they are sick.
- Before each shift, and in compliance with any state or local order concerning screening, have employees verify that they have not had flu or COVID-19 like symptoms in the preceding 24 hours.
- Send home all employees who are sick and ask them to seek medical attention.
- Cleaning and disinfecting your workplace is a necessity and is a good idea either during or after a pandemic.
- If you have increased your facility's cleaning schedule during the pandemic, maintain the current number of cleanings.
- While there are restrictions that impact an employer's right to inquire about off duty activities, you may want to request employees to disclose any travel plans or recent travel that may be implicate spread of the virus. You can also remind employees of CDC recommendations regarding travel and any mandatory state or local self-isolation or quarantine periods post-travel.

Conclusion

We will continue to monitor developments related to COVID-19, including any additional guidance from the EEOC or OSHA. Make sure you are subscribed to [Fisher Phillips' Insight system](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney or the authors of this Insight.

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