



CDC Issues New Testing Strategy For High-Density Critical Infrastructure Workplaces

Insights

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Noting that outbreaks at food processing facilities and other high-density critical infrastructure businesses have raised unique questions that require additional guidance, the Centers for Disease Control and Prevention (CDC) just released a new testing strategy for those workplaces to augment existing testing guidance and measures aimed at reducing further transmission of COVID-19. The CDC notes that employers in these areas “have an obligation to manage the continuation of work in a way that best protects the health of their workers and the general public.” The optional strategy unveiled by the agency involves employers conducting a risk assessment based on multiple factors that may impact the transmission of the virus within the workplace, including the unique characteristics of the workplace, the workforce, and the results of its own investigation and contact tracing.

Why Is This Necessary?

The new testing strategy is a recognition of the special challenges faced by high-density critical infrastructure businesses. In addition to the close working conditions that may be present in such workplaces, some of the unique factors that may increase risk for transmission among food processing workers include:

- Sharing transportation such as ride-share vans or shuttle vehicles, car-pools, and public transportation;
- Frequent contact with fellow workers in community settings in areas where there is ongoing community transmission; and
- Shared or congregate housing such as dormitories.

A comprehensive testing strategy, combined with other protective measures, can help to reduce transmission of the virus in the workplace and the local community. That’s because when a symptomatic or positive employee has been identified, there are also often asymptomatic or pre-symptomatic employees in the workplace who do not know they are infected.

Risk-Based Approach To Testing Co-Workers Of Those Confirmed Positive For COVID-19

The CDC recommends categorizing co-workers into three tiers of testing priority. The suggestions for the tiers may be altered if an employer decides to test all workers on a shift.

- **Tier 1** – This is the highest priority and includes co-workers at the highest risk of possible infection. These co-workers may include those identified as close contacts based on how close they have been to the positive co-worker for longer periods of time, and may include those who work the same shift and in the same area.
- **Tier 2** – The next highest category, this includes workers on the same shift, but in different areas of the facility who may have had exposure to the COVID-19 positive employee. Employees may be included based on contact tracing or the employer's risk assessment.
- **Tier 3** – Includes workers who shared a common space such as a rest room or break room, or may work other shifts that are back-to-back with the positive employee, and exposure cannot be ruled out. High rates of transmission in the community may prompt including Tier 3 workers in the initial testing.

Testing Strategies

The testing strategies recommended by the CDC are intended to supplement measures previously recommended to reduce workplace transmission, including the current guidance to allow exposed but asymptomatic employees to continue working provided they follow the additional safety precautions (temperature taking, symptoms check, and wearing face coverings). The CDC, however, says it is “preferred” that employees wait for test results prior to returning to work.

For Tier 1 workers, there are three strategies to consider.

- **Strategy 1** – For exposed Tier 1 workers: they should follow existing guidelines regarding exclusion from work and quarantined for 14 days.
- **Strategy 2** – For returning Tier 1 workers to work earlier than 14 days after an exposure: employers should implement baseline testing and serial testing (i.e. re-testing) every three days until there are no more new cases detected in the Tier 1 cohort. Individual workers in Tier 1 who remain asymptomatic and have negative tests at baseline and Day 3 can return to work and should continue to be tested every three days after returning to work until there are no more new cases in the worker cohort.
- **Strategy 3** – For use during critical staffing shortages: Allows asymptomatic workers in Tier 1 to return to work after a baseline test is obtained. The CDC recommends that return to work would follow a negative test result, but could occur while results were pending, provided other protections are in place.

The recommended testing protocols for those employees in Tier 2 and Tier 3 as less stringent. Employers should focus on screening these employees for symptoms. Baseline testing may be considered for these workers based on the employer's assessment of exposure risk in the workplace or a positive symptom screen. They can continue to work provided they remain asymptomatic and, if tested, their test is negative.

Conclusion

The above testing strategies, when combined with other protections in the workplace, are intended to protect workers while keeping the workplace operating. [The CDC has also created a flow chart](#) that summarizes the above testing strategies.

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 further information, contact your Fisher Phillips attorney or any member of [our Post-Pandemic Strategy Group Roster](#). You can also review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

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