

Practical Perspectives for Back to Work

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Bruce Sammis

—
Introduction



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Meet the Speakers



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Shealynn Buck, M.D.

COVID-19 & Testing

COVID-19 testing considerations

- COVID-19 testing is a medical exam and multi-step process requiring clinical oversight and expertise.
- Two types of tests: a viral test detects current infection intended to diagnose a person - an antibody test detects past infection intended for research purposes.
- As tests have rapidly entered the market there is concern about accuracy and reliability.

COVID-19 Testing Process

Steps	 Test individual	 Sample collection	 Sample handling	 Testing provider	 Test performance in ideal conditions	 Test performance in real-world conditions	 Results interpretation and communication	 Reaction and action from results
Considerations & Pitfalls	If the individual's criteria aren't aligned with intended use of the test, this can cause misleading results.	If a sample is not properly collected, it can be inaccurate or untestable, causing patient care delay and waste.	If a sample is not handled properly, this can cause inaccuracies in test results.	If a test is performed by an inexperienced user or not in the proper setting, inaccuracies and misleading results can occur.	A manufacturer validates a test using a strict protocol. Performance cannot be assumed if test subject, sample or conditions differ from ideal.	If a lab reports the manufacturer's test performance as their own, this is a red flag. They should provide validation documentation using their staff and lab instruments.	If a test is misinterpreted, it can result in misunderstanding and negative outcomes.	Consider how an individual will react to the results. Answering the 'so what?' and 'now what?' are critical before purchasing and performing testing.

Myth Busters – Work site reopening

- No COVID-19 test has been designated for employee screening for work site reopening purposes.
- No COVID-19 test is FDA-approved – only emergency use authorized. There's a difference.
- There is no national standard protocol for testing for work site reopening purposes.
- The testing process isn't quick or simple for the person being tested.
- COVID-19 testing is not a simple kit that anyone can perform.
- Testing is not a stand-alone safety net for preventing COVID-19 work site exposure.



Buyer Beware:
Loosening of testing regulations has opened the door for slick marketing of COVID-19 testing for reopening a work site.

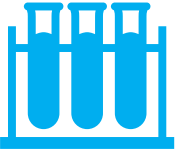



COVID-19 test results impact people's lives – think through the limitations of testing for work site reopening and be prepared for the consequences of the results before you implement testing.



Tom Diaz, M.D.

Contact Tracing & Practical Implications

Contact Tracing: What, Why and How

Testing: 	Identification: 	Notification: 	Follow-up, monitoring, and support: 
<p>Contact tracing begins with those who have tested positive for COVID-19. The method is most effective when integrally linked to widespread testing.</p>	<p>Contacts are identified and listed: those who have had meaningful exposure to the diagnosed individual during the period of potential transmission, which begins before the onset of symptoms.</p>	<p>Contacts are notified of their status, and are informed of implications and next steps, such as how to find care. Depending on local public health guidance, quarantine or isolation could be required for high-risk contacts.</p>	<p>Contacts are monitored regularly for symptoms and tested for infection. Results of monitoring help determine the most appropriate intervention, including quarantine.</p>

Approaches to contact tracing share basic elements but can differ in terms of technology; traditional contact tracing uses telephone and in-person contact; newer approaches use mobile apps and data. Governments need to evaluate the implications of alternative approaches to tracking and tracing for privacy and individual liberties.

Best practices within the workplaces

- Start with safe workplace fundamentals
- No simple task
- Training staff and communication strategies
- Resource intensive but essential in the return to work strategy
 - Warn exposed and close contacts rapidly and sensitively (protect privacy)
 - Contacts should stay home for 14 days
 - Self monitor for symptoms with temperature checks for 14 days
 - Report any symptoms to their healthcare provider
 - If any symptoms, promptly self isolate and follow CDC guidance
- Technology solutions are coming but privacy issues a concern



Ed Fensholt, J.D.

Compliance Considerations with ERISA Plans

Three hot benefits topics – Returning to work

01

Avoiding ACA Employer Mandate Issues in the “Return To Work” Effort

- Recalls after short-term layoffs and new waiting periods
- What happens with eligibility in 2021?

02

COVID-19 Testing Issues

- The FFCRA testing coverage mandate and home kits/antibody testing
- Return to work testing, and who pays?
- Premium credits and premium payment grace periods...be careful

03

The Recent Stuff

- Feds toll the running of many healthcare plan deadlines
- Feds relax cafeteria plan coverage change rules... but ignore the \$5,000 gorilla in the room



Scott Behrens, J.D.

Federal and State Legislation: What's Next?

Which locations can reopen?

- Key questions for employers:
 - Who has the authority to say whether an employer can reopen?
 - Who has the authority to say what rules an employer must follow if it does reopen?
- The answers to these questions are determined location-by-location and may require examination of federal, tribal, state, county and city specific guidance.

Future federal legislative impacts

House Democrat's HEROES Act

- COBRA subsidies
- Requires OSHA to set RTW standards and employers to develop exposure control plans
- Extends increased unemployment benefits
- Expands employee retention tax credit
- Paycheck Protection Program reforms
- Retirement plan funding relief
- Surprise billing / balance billing limitations
- Expands paid leave requirements
- No cost coverage for treatment

Senate Republican's Concerns

- Liability protections for businesses reopening
- Hundreds of billions remain available from CARES
- Health concerns for fall and winter

Q&A – Open Discussion

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