



COVID-19 Employee Testing: Privacy and Risk Management Process and Protocols



Questions not addressed in the webinar:

What is the effectiveness of the saliva vs. nasal swab?

This [article by the Mayo Clinic](#) underscores the differences in PCR and Antigen testing, plus provides information on the difference between saliva and throat swab testing. For a deeper dive into the science of both tests, this [article](#) by the CDC may be helpful.

What are options for small(er) employers? Can tests be mailed and completed by employees?

Testing providers commonly offer a few options: on-site and/or mail-in. The on-site option is usually dictated by the number of employees. Mail-in kits can be the economical for small employers or businesses with geographically disbursed employees. Be sure to check out our [Kyla.com](#), who offers both.

For employees refusing testing, is FFCRA an alternative to unpaid leave?

If an employee declines to participate in COVID-19 testing, they may be placed on an unpaid leave of absence for a period of time. It is best to consult with legal counsel if this occurs. Emergency paid sick leave and expanded family medical leave is used only when employees meet the established criteria. Currently, declining to take a test is not one of the criteria. More information about the FFCRA can be found on the [Department of Labor FFCRA FAQs](#).

What vendor(s) does Paula use?

Paula shared that Twist uses [dexterity.com](#).

In California, do you need to inform everyone in the building of a positive case or only those working proximate?

Under California's new labor code – 6409.6, employers are required to notify all employees on site during the infectious period. If your company is a tenant in a building, the property manager or owner may require additional notification. To learn more about the new notification law, see this helpful [article](#) from our colleagues at Ogletree Deakins.