

**Workplace Screening Testing in Kansas
Frequently Asked Questions
December 1, 2020**

What is the goal of the COVID-19 unified testing strategy? Why aren't we focused on private business?

The Kansas unified testing strategy aims to significantly increase the number of individuals screened for COVID-19 by Dec. 30th. The testing strategy emphasizes those at highest risk for COVID-19 given the prevalence of the disease in the communityⁱ, consistent with evidence-based public health practiceⁱⁱ. Approximately 10% of the funds are targeted toward workplace screening.

Who should be paying for private employers to test their workforce for COVID-19?

Although there is not clear consensus on who should be paying for workplace screening for employees not deemed “essential”, most legal and policy experts suggest that employers or the federal government are responsible for providing workplace screening testsⁱⁱⁱ,^{iv}.

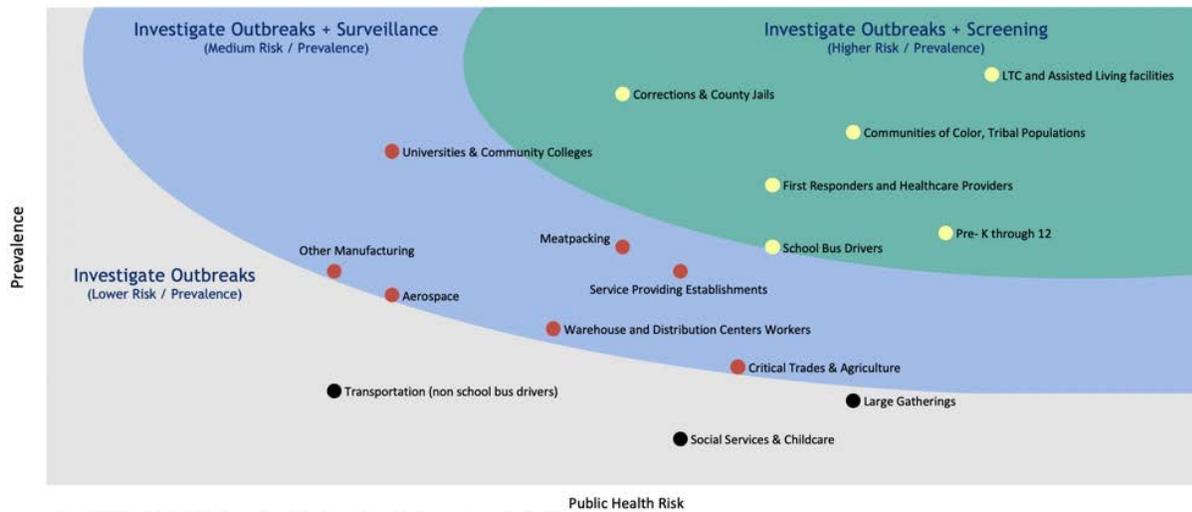
Did the SPARK Committee require that CARES Act dollars be spent on private employer testing?

No. The SPARK Committee approved \$80 million for COVID-19 testing, contingent on a unified testing strategy. The unified testing strategy designates a portion of SPARK funds for workplace screening -- \$5 to \$6 million depending on the take-up.

How is Kansas encouraging individuals to get tested for COVID-19 to stop the community spread of the novel coronavirus?

The Governor is launching a “Stop the Spread” campaign to share the importance of getting tested for COVID-19 this holiday season. The campaign directs Kansans to locations across the state that are providing COVID-19 tests free of charge to Kansans, with the goal of identifying and isolating those who test positive. This strategy will help keep Kansas businesses, schools, and the economy open. Employers interested in testing their workforce are encouraged to join the “Stop the Spread” campaign and encourage their employees to get tested at one of the free testing locations.

Kansas Unified Testing Strategy | Public Health response tools to be used differently across priority populations based on public health risk & virus prevalence



Note: Public Health Risk defined as vulnerability of population & widespread transmission risk
 Source: [KUMC](#), [KDHE](#), [OSHA](#)
 Each population's public health risk and prevalence will evolve over time – thus moving the dots on the graph

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ii Testing is highest priority if it may improve clinical outcomes or contribute to reduced spread of disease (particularly to medically vulnerable people). Additional testing will require health care and public health system capacity to follow up on positive results. The size of each group and therefore the number of tests needed, as well as the number of tests available, are also important considerations. Initially, only the highest priority groups should be tested. As testing becomes more widely available, testing should be expanded to other groups in a stepwise fashion, based on their priority.

iii EEOC guidance strongly suggests that the ADA requires employers to cover the costs of COVID-19 testing. The EEOC's [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the ADA](#) provides that an employer must pay for all medical-exam related costs when an employer requires the examination because the employer reasonably believes the employee poses a "direct threat." [According to the EEOC](#), "COVID-19 poses a direct threat." Therefore, the ADA would require an employer to cover the costs of diagnostic testing related to keeping that direct threat out of the workplace.

iv <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-who-pays-for-testing.aspx> The Equal Employment Opportunity Commission's Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees Under the ADA states that if an employer requires an employee it reasonably believes will pose a "direct threat" to the health and safety of themselves or others to be examined by a health care professional of the employer's choice, then the employer must pay all costs associated with the visit.