Testing: The Way to a Safer Reopening

We must each do our part to keep our families, friends, coworkers and communities safe from COVID-19. The City has issued new COVID-19 Testing Recommendations to complement existing guidance on physical distancing, use of face coverings and other prevention tools.

The City recommends that all New Yorkers get tested periodically, with frequency of testing dependent upon the type of work they do and other risk factors, even if they have not had symptoms or knowingly been in close contact with someone who has COVID-19. Workers with in-person contact with coworkers, clients, or members of the public should get tested once per month or as recommended by their provider or employer.

All New Yorkers should take precautions to prevent the spread of COVID-19, including:

- Following physical distancing recommendations (staying at least 6 feet apart) at work and in public
- Complying with daily health screenings before entering the workplace and staying home if sick or recently exposed to COVID-19
- Wearing a face covering at work and in public
- Handwashing or using hand sanitizer regularly
- Participating in contact tracing if they or someone they came into close contact with tests positive for COVID-19

This document provides answers to questions about the COVID-19 Testing Recommendations. Please call the NYC Test & Trace Corps at 212-COVID19 (212-268-4319) with any additional questions you have.

This information does not constitute medical or legal advice. All information is for general informational purposes only.

What's in This Document

Getting Tested

1 When should my employees get tested?

The City recommends that all New Yorkers get tested, even if they have not had symptoms or been in close contact with someone who has COVID-19. People with symptoms (such as cough, fever, shortness of breath, and loss of taste or smell) should get tested right away and safely separate from others at home (including while waiting for their test results). Some people should get tested periodically due to more frequent contact with others at work or otherwise. Please review COVID-19 Testing Recommendations for additional details.

2 Is the City recommending or requiring periodic testing?

The COVID-19 Testing Recommendations provide guidance. They are not mandates. Employers are required by New York State to have a daily health screening in place for all staff. Testing, though recommended, is not required (except for a few discrete industries that are subject to a New York State mandate, such as nursing homes).[1]

3 If my business decides to institute a testing recommendation or requirement, does it need to be the same for all employees?

You can set different testing recommendations or requirements based on job function (such as having different testing recommendations for employees who regularly interact with the public and for employees who do not). It is illegal to have different policies based on age, race or ethnicity, national origin, disability, health status, gender, gender identity, sexual orientation, religion or other protected classes.

4 How do I decide what is an appropriate testing frequency for my business?

The recommendations for testing frequency will vary by business. In deciding whether to recommend or require a specific testing interval, consider the amount and frequency of in-person contact with others (coworkers, clients, visitors), workplace setting (outdoors, indoors, confined space) and the ability to implement other prevention measures, such as having people stay at least 6 feet from others. Consult with a medical advisor if possible.

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[1] The Occupational Safety and Health Administration (OSHA) and the New York State Department of Labor (DOL), New York Public Employee Safety and Health Bureau require that employers take steps to protect workers from exposure to COVID-19, which can include testing. Employers must also follow the New York State reopening requirements, including physical distancing, use of face coverings and cleaning protocols. Answers to some frequently asked questions about reopening can be found at nyc.gov/assets/doh/downloads/pdf/imm/covid-19-reopening-nyc-faq.pdf.

5 **If an employee previously had COVID-19, should they still get tested periodically?**

For individuals who previously tested positive for COVID-19, testing is not recommended for 90 days after the date they first had symptoms (or date of first positive test result if they had no symptoms). This is because people can continue to test positive for weeks or even months after infection, even though they are not infectious. Testing during this 90-day window may result in unnecessarily excluding employees from work.

However, if someone has recovered from COVID-19 and has new symptoms, it is recommended they consult with their health care provider about whether additional testing may be necessary.

6 **If an employee has a positive COVID-19 antibody test, should they still get tested periodically?**

Yes. At this time, antibody tests for COVID-19 cannot be used to detect if someone is currently sick or infected. It is also not yet known whether a positive antibody test means someone is protected from getting COVID-19 again. Antibody tests should not be used to decide if someone should or should not work or should or should not be tested.

7 **If an employee declines to get tested, what should I do?**

An employer may exclude from the workplace individuals who refuse to undergo State-mandated screening procedures or employer-mandated testing. If an employee has a medical condition or disability that prevents periodic testing, employers should work with the employee to find a reasonable alternative, such as telecommuting. Screening procedures must be applied in a nondiscriminatory fashion.

8 **Where can my employees get tested?**

There are hundreds of testing locations across the city, including mobile testing sites. To find a testing site, visit the City's test finder at nyc.gov/covidtest. Many sites offer free, walk-up testing and have short wait times. This includes all NYC Health + Hospitals (H+H) sites. People can also get tested at NYC Department of Health and Mental Hygiene (Health Department) COVID-19 Express sites by making an appointment. People can get tested at Health Department and H+H testing sites regardless of immigration status or ability to pay, even if they do not have insurance (but people should bring an insurance card and ID if they have them).

9 **How will employees get their test results?**

Tests results will be shared with employees by the testing provider or its lab service.

Paying for Testing

1 How can I convince my company's health plan to reimburse for COVID-19 testing?

The City encourages employers to work directly with their insurers on payment for COVID-19 tests. Employers may direct their employer-sponsored plans to COVID-19 Testing Recommendations. In the event your insurer will not cover testing to screen for infection among employees, you should encourage them to get tested at one of the hundreds of sites across the city offering free testing. Visit the City's test site finder at nyc.gov/covidtest.

2 My company's health plan will not cover testing. Will the City provide funding to offset the cost?

The City is currently providing free testing across hundreds of testing sites to all people regardless of insurance status. Testing is available even to people who live outside NYC. These testing sites may bill employers that are self-insured if their employees present their insurance card and ID, but the testing sites will not charge a copay or deductible and will not turn away someone without insurance. To find a testing site near you, visit the City's test finder at nyc.gov/covidtest.

Types of Tests

1 What types of diagnostic tests are available?

A COVID-19 diagnostic test is performed by inserting a swab (similar to a long Q-tip) into one's nose or throat or by collecting saliva (spit). Some tests can be performed in the health care provider's office, called antigen or point-of-care (POC) tests. A confirmatory test may be required for POC tests. For information about the types of COVID-19 tests and meaning of test results, see COVID-19 Testing: Frequently Asked Questions. For information on available tests, please see the appendix of COVID-19 testing options.

2 If I want to offer testing on-site in the workplace, will the City support that? Will it help me cover the cost?

The City has convenient and free testing sites at H+H locations and Health Department clinics, as well as mobile sites. You can search for a location at nyc.gov/covidtest. There are services that will test employees in the workplace. For a listing of some services, please see the appendix of COVID-19 testing options. The City is not currently offering financial support for these services.

3 **Can I offer at-home testing to employees? Will the City help me cover the cost?**

Currently, there is no COVID-19 test authorized by the Food and Drug Administration (FDA) that can be conducted at home. There are, however, FDA-authorized specimen collection kits, meaning the specimen (swab or saliva) is collected by the individual at home and sent to a laboratory for processing. Kits can also be centrally distributed by employers and specimens collected in the workplace or at home. For information on at-home testing options, please see the appendix of COVID-19 testing options. The City is not currently offering financial support for this form of testing.

What Happens After Testing

1 **What happens if an employee tests positive?**

Individuals who test positive for COVID-19 should safely separate from others at home. They should not leave home except for essential medical care or to get basic needs, like groceries, if someone can't get them for them. They should not go to work but can work from home if they feel well enough. They must stay home until **all** of the following have occurred:

- At least 10 days have passed since symptoms started.
- Fever has resolved for the prior 24 hours without use of fever-reducing medicine.
- Their overall illness has improved.

If an employee tests positive, they will be contacted by the NYC Test & Trace Corps to help monitor their symptoms, understand who else may be at risk and need testing, and ensure they have the necessary services and resources to safely separate from others.

2 **Should employees who had COVID-19 be required to have a negative test result in order to return to work?**

No. People should not be required to have a negative COVID-19 diagnostic test result in order to return to a work location. Many people test positive long after the infectious period has ended. Similarly, antibody testing should not be used as a criterion for allowing someone to return to work. People who have completed the isolation period are considered no longer infectious and can attend work.

3 **What if an employee cannot safely separate from others at home?**

New Yorkers who have COVID-19 or live with someone who does and cannot safely separate at home may be able to stay in a hotel for free. Information about the NYC COVID-19 hotel program is available at nychealthandhospitals.org/test-and-trace/take-care.

4 **Are employees required to alert me if they test positive? Should I notify other staff if an employee tests positive?**

Employees should notify their employers if they test positive for COVID-19 because it can help keep the workplace safe. As the employer, you may notify other staff or customers that they may have been exposed because they were in close contact with the employee, but you cannot share the name or other identifying information of the employee who tested positive. The Health Department will help you determine who may be a close contact. If the employee has been working remotely and has not had in-person contact with colleagues, the employee has no obligation to notify you of a positive test result.

5 **Do I need a copy of employees' test results? Should I keep records of test results?**

As noted above, people confirmed with COVID-19 should not be required to have a negative test result in order to return to work. People who had symptoms of COVID-19 and tested negative by a lab-based diagnostic test may return to work if they have been fever-free for the prior 24 hours without use of fever-reducing drugs. You may request that employees provide proof of a negative test result in such circumstances. You may also require test result documentation to ensure employer-mandated testing requirements have been complied with.

Test results and other medical information are confidential and must be stored separately from personnel files. Such information should not be transmitted electronically unless sufficient firewalls and encryption are in place. If you keep copies of employees' test results, you must retain them for the duration of the employee's employment plus 30 years.[2]

6 **Can I require employees to get antibody testing?**

No. Federal Equal Employment Opportunity Commission (EEOC) guidance states that employers cannot require an employee to get an antibody test before returning to the workplace. Antibody testing should not be used for any decisions about returning to work.

7 **If an employee tests positive for COVID-19, am I required to report it? To whom do I report it?**

New York State requires that employers immediately notify the Health Department if an employee tests positive for COVID-19 and cooperate with contact tracing efforts. Call the Health Department at 866-692-3641 with any questions or to report a confirmed case.[2]

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[2] OSHA has issued specific guidance for determining when a case of COVID-19 may be work-related, which triggers additional reporting obligations. OSHA mandates that employers follow specific steps in recording and reporting work-related illnesses, including through submissions of annual summaries of work-related injuries, and all such logs must be retained for five years. Employers must also record and report to OSHA incidents involving fatalities or the hospitalization of three or more employees because of a work-related incident, such as transmission of COVID-19 in the workplace. Employers must report these incidents by telephone or in person to the OSHA area office nearest the incident.

8 **What happens after an employee tests positive?**

The Health Department will verify that the individual is a confirmed case. If a confirmed case, the Health Department will work with you to identify other employees and others at the workplace who may have been in close contact with the individual with COVID-19, who will need to quarantine. For additional information, see [Handling COVID-19 Cases in the Workplace: What Employers Need to Know](#).

9 **Can an employee who tests positive or has symptoms of COVID-19 continue to work?**

If the employee can work remotely from home *and* feels well enough to do so, they do not need to take time off. The employee who has tested positive may not, however, report to work. They must isolate safely at home and cannot return to work for the full isolation period (10 days since the positive test, the prior 24 hours without fever without use of fever-reducing medicine and overall improvement in illness). If an employee attempts to enter the workplace after receiving a positive test result and before completing isolation, you must send them home.

Legal Questions

1 **What laws allow me to require or encourage periodic testing of my employees?**

Periodic testing of employees who are in the workplace is allowed under EEOC guidance. Please refer to COVID-19 Testing Recommendations for testing guidance by industry.

2 **What happens if I encourage an employee to get tested and they are injured during the test?**

If an employee is injured during the test, you should provide them with a Claimant Information Packet so the injury may be reported to the employer's workers' compensation carrier for review.

3 **Am I required to provide paid sick time to employees to get tested for COVID-19?**

Yes. City and State laws permit employees to use paid sick time to get tested for COVID-19. The amount of sick leave an employee has depends on the size of your company.[4] If you are an employer covered by the federal Families First Coronavirus Response Act (FFCRA),

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[4] Businesses with four or fewer employees in any year must provide up to 40 hours of paid sick leave per year, unless their net income is $1,000,000 or less in the previous tax year, in which case such leave time may be unpaid. Businesses with between five and 99 employees in any year must provide up to 40 hours of paid sick leave per year. Businesses with 100 or more employees in any year must provide up to 56 hours of paid sick leave per year. Additional requirements can be found at nyc.gov/assets/dca/downloads/pdf/about/PaidSickLeave-AnswerstoEmployerQuestions.pdf.

additional paid time off may be required. If an employee is out of paid sick time and you require them to get tested, the time spent getting tested may be considered hours worked under applicable wage and hour laws and you may be obligated to pay them for this time.

4 **What proof can I require for paid sick time for testing or if an employee has COVID-19 symptoms or tests positive for COVID-19?**

Under the City's Earned Safe and Sick Time Act, an employer may require documentation from a health care provider only if the employee has used more than three consecutive workdays of sick leave. If your company is subject to the FFCRA, you cannot require that employees provide documentation of a positive diagnosis to use paid sick leave pursuant to the FFCRA.

5 **Am I required to provide paid sick time if employees test positive for COVID-19? What about for employees who are required to quarantine due to a workplace or other exposure?**

Employers are encouraged to establish flexible sick leave policies to encourage employees to stay home when sick or if they need to quarantine because they are a close contact of someone with COVID-19. If an employee tests positive and is not able to work remotely, the employee may use available paid sick time under City and State Law. If the employee must quarantine at home due to workplace or other exposure and is able to work, they can be asked to work from home rather than using sick time. However, you are not required to provide sick leave to individuals who must quarantine due to recent travel.

6 **If an employee tests negative but has symptoms, am I required to provide paid sick time?**

If an employee has symptoms and you are an employer required to provide paid sick time (as opposed to unpaid sick time), then you are required to provide paid sick time for the period of time the employee feels unwell and is unable to work under the State and City sick leave laws, until the employee exhausts the amount of paid sick time available to them. If you are a small employer exempt from the paid sick time requirements of the State and City paid sick leave laws, then you must provide the unpaid time available to them under law.

7 **Can I set different testing, documentation and leave requirements for different employees?**

Testing, documentation and leave policies cannot discriminate based on age, race or ethnicity, national origin, disability, health status, gender, gender identity, sexual orientation, religion or other protected classes.

Appendix: COVID-19 Testing Options

This list of available COVID-19 testing options can be used by employers to support their employees in getting tested. This list is not exhaustive of all testing options available and may change over time. All of the below COVID-19 testing options are available in NYC.

A. Citywide Testing Sites

- There are hundreds of testing locations across the city, including mobile testing sites.
- To find a testing center near you, use NYC's test site finder at nyc.gov/covidtest.
- H+H offers free testing at hospitals, health centers and new pop-up locations across the five boroughs.
- The Health Department offers free testing at nine clinics across the city, by appointment.
- Employees should bring an insurance cards and ID if they have them.

B. Home Testing Kits for Individuals

- These companies provide FDA-authorized at-home testing kits that can be ordered online.
- Some companies require the individual to complete an online questionnaire or consultation first.
- After completion, the test will be sent with instructions on how to collect a sample.
- A provider from the company will provide test results and information regarding next steps through an online portal/application, email or by phone.
- To request up-to-date pricing and testing information, please contact the company directly.

	Picture Genetics	Pixel	Let's Get Checked	P23	Phosphorus Diagnostic	Vault Health	Vitagene	Hims & Hers
Price	$119	$119	$119	$129 plus shipping	$140 plus shipping	$150	$129	$150, includes telehealth visit
Insurance Accepted	Yes*	Yes	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
Test Method	Nasal swab	Nasal swab	Nasal swab	Saliva test	Saliva test	Saliva test (supervised via Zoom call)	Saliva test	Saliva test
Time to Results (After Received by Lab)	Within 48 hours	24-48 hours	24-72 hours	24-48 hours	Within 72 hours	48-72 hours	Within 72 hours	3 to 5 days after shipped
Online Questionnaire / Consultation Required	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Testing Restrictions	No	Must meet screening criteria	Must meet screening criteria	Must meet screening criteria	No	No	Must meet screening criteria	Must have symptoms

*Individuals will need to self-pay and then submit an itemized receipt to their insurance company for reimbursement. Flexible spending account (FSA) and health savings account (HSA) cards accepted.

C. Organization/Enterprise Testing Options

- These companies provide scalable testing solutions for employers and businesses to provide COVID-19 specimen collection at-home or on-site testing using either self-administered tests or tests administered via a health care provider.
- They also include options to prepay or bulk purchase at-home testing kits.
- Tests results are managed and distributed via online portals, and follow-ups with health care providers can be arranged using telehealth visits.
- To request up-to-date pricing and testing information, please contact the company directly.

	Fulgent Therapeutics	Let's Get Checked	1Health.io	Phosphorus	Vault Health
Testing Service Offered	At-home (self-administered) On-site (clinician-administered)	At-home (self-administered)	At-home (self-administered) On-site (self-administered)	At-home (self-administered) Contact for other testing options	At-home (supervised, via Zoom call) On-site (clinician-administered)
Shipping Time (for At-Home Testing) / Time to Set Up (for On-Site Testing)	At-home - 2 business days On-site - one week	At home - within 24 hours	Contact company	Contact company	Contact company
Test Method	Nasal swab	Nasal swab	Saliva test	Saliva test	Saliva test
Time to Results (After Received by Lab)	24-48 hours	24-72 hours	Within 72 hours	Within 72 hours	48-72 hours
Availability to Buy Test Kits in Bulk	Contact company	Yes	Yes	Yes	Yes
Insurance Accepted	Yes	Contact company	Contact company	Yes	Yes

D. Pharmacy Partners

- CVS Health is offering customizable COVID-19 testing solutions
  - Has both rapid worksite testing and drive-through testing
  - On-site pharmacy-based vaccination services, symptom monitoring and contact tracing support also available
  - For more information, visit Return Ready
- Walgreens Pharmacy is in the process of developing customizable COVID-19 testing solutions
  - Rapid testing at Walgreens locations and drive-through services
  - On-site pharmacy-based vaccination services also available
  - For more information, visit walgreens.com/testandprotect