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CDC Provides Guidance on Consent Elements and Disclosures for Workplace COVID-19 Testing

The Centers for Disease Control and Prevention (CDC) has issued [guidance](#) on the elements of consent and disclosures necessary to support employee decision-making when employers incorporate workplace COVID-19 testing.



Differences in position and authority (such as workplace hierarchies), as well as employment status in nonstandard working arrangements (e.g., temporary help, contract help or part-time employment) can affect an employee's ability to make free decisions. This guidance suggests measures employers can take when developing a testing program.

To fully support employee decision-making and consent, these measures should include:

- Safeguarding employees' privacy and confidentiality;
- Providing information that is complete and understandable on how the employer's testing program may impact employees' lives;
- Explaining any parts of the testing program an employee would consider important when deciding to participate;
- Providing information about the testing program in the employee's preferred language using nontechnical terms;
- Encouraging supervisors and co-workers to avoid pressuring employees to participate in the testing; and
- Encouraging and answering questions during the consent process.

Employers should follow these measures to create a supportive environment when employees need to make decisions about workplace-based testing.

Understanding Prescription Drug Pricing Trends

In 2019, the United States spent nearly \$370 billion on prescription drugs, keeping trend with significant increases year over year. Although prescription drug spending has historically been a small proportion of national health care costs compared to hospital and physician services, it has grown rapidly in recent years—comprising about



10% of national health care spending. Below are the two major factors contributing to the rise of prescription drug costs:

- **Influx of specialty drugs**—Specialty medications account for a smaller portion of U.S. prescriptions than non-specialty drugs, yet they command nearly half of the pharmaceutical market. In 2021, experts predict an 11.5% increase in specialty drug prices, compared to a 2.8% rise in non-specialty drug prices. These manufacturer price increases are often cited by insurers as reasons for rising insurance premiums.
- **Price inflation**—According to a Segal report, 40% of new products recently launched by drug manufacturers were specialty medications. These drugs are now being pushed at a higher rate than non-specialty drugs, contributing to price inflation. Specialty drug utilization increased by nearly 6% in 2020, whereas non-specialty drug usage remained relatively the same. And there is little recourse for anyone seeking an alternative to these specialty drugs.

Yet, despite these trends, there are cost-cutting strategies available to employers. These include managing drug usage, utilizing rebates and educating employees. Reach out to learn more about these and other budgetary tactics.

How HR Can Support Working Parents

As a result of the COVID-19 pandemic, working parents have been forced to contend with their children's changing school routines. Unfortunately, these routines vary by school, with little universal guidance. On top of that, many schools continue to go back and forth between virtual and in-person

learning. The uncertainty surrounding school routines and their impact on working parents will undoubtedly continue to have ripple effects in the workplace.

Accommodation Considerations for Employers

Although the specifics will vary, consider the following methods for accommodating working parents:



1. **Expanded remote work opportunities**—Telework allows employees to work entirely remotely. It can be a way for working parents to get kids to school without having to worry about an additional commute. It also allows parents more time to spend with their young children or kids who must be at home due to virtual learning.
2. **Flexible scheduling**—Employers set designated “core” hours that an employee must be working and otherwise let employees work whenever they like. Alternatively, an employer may instead allow employees to work any combination of days or hours to complete the 40-hour workweek.
3. **Generous time off policies**—Some employers have generous policies related to paid time off (PTO). Consider implementing a PTO bank policy where employees can use their time off for any reason (as opposed to having sick days and vacation days).
4. **Robust EAP offerings**—Employee assistance programs (EAPs) can be tailored to a workforce to provide employee resources. Offerings may include mental health resources, therapist appointments, financial counseling and other wellbeing programs. EAPs can help connect employees with the resources they need to improve a given situation, even if it’s their overall well-being. For working parents, this could be the lifeline they’ve been searching for.
5. **Transparent and frequent communication**—Depending on the team size, managers could have open discussions with working parents about needing to take time off or flexing their schedules. Such conversations show employees that their well-being is just as important as their performance.

The absence of workplace guidance related to working parents’ circumstances may force some employees to resign or take extended leaves to accommodate their families. Plan for these situations now, and prevent turmoil later.

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