Mon 12/7/2020 8:11 PM

Hi *[Manager Name]*,

I wanted to follow-up with you on this while we are waiting on responses to my initial set of questions. I have two new questions that I believe are very relevant, and should perhaps be added to the original list.

1. The CDC has updated their recommendations for COVID-19 Testing as follows:

Considerations for who should get tested

- People who have symptoms of COVID-19.
- People who have had close contact (within 6 feet for a total of 15 minutes or more) with someone with confirmed COVID-19.
- People who have taken part in activities that put them at higher risk for COVID-19 because they cannot socially distance as needed, such as travel, attending large social or mass gatherings, or being in crowded indoor settings.
- People who have been asked or referred to get testing by their healthcare provider, local or state health department.

Not everyone needs to be tested. If you do get tested, you should self-quarantine/isolate at home pending test results and follow the advice of your health care provider or a public health professional.

Please see the following link as reference for this information (updated on Dec. 7, 2020 as of the writing of this email): https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/testing.html?s=01

My question is:

If *[Company or Organization Name]* is claiming to follow CDC guidance, why are we acting outside of their guidance by testing healthy individuals?
I have heard rumblings amongst the management team in operations here in *[Employer Location]* that we've seen an "uptick" in positive cases here at the plant, but we've clearly imposed this increase on ourselves through the implementation of the Random COVID Testing program. I will also point out that the last note from the CDC indicates that individuals "should self-quarantine/isolate at home pending test results", and therefore any employee that is subjected to the Random COVID Testing should be sent home while waiting for test results. We should either follow the CDC guidance or not follow it, but we certainly shouldn't be cherry-picking the guidance that best fits our production needs.

2. **Have we reached out to our operating plants abroad to find out what their COVID protocol looks like?**
Given that this is a Global pandemic, I would be very interested to see how our approach here at the *[Employer Location]* facility compares and/or contrasts to that of *[Employer Location]* and *[Employer Location]*.

I would value a phone conversation regarding these matters when we both have some time to chat. My intent is not to be insulting in any way with this or any of my other COVID related correspondence, but I do tend to get a bit concerned when health related decisions (especially those that impact employees on a personal level) are being made independent of every individual employee's own capable judgement.

I am still of the opinion that getting tested is a personal choice, and should be left to every healthy employee's discretion, but I'm not saying I won't submit to a test if I am chosen to randomly participate. I am simply expressing a difference of opinion to a company policy that seems to have been implemented in haste (and without accompanying formal documentation in the form of a new or updated procedure, I might add). I am also VERY concerned that this is going to eventually lead to a mandated vaccination of all employees here at *[Employer Location]*, and maybe even all of *[Company or Organization Name]*.

Thanks again,
Brent

From: [Manager Name]
Sent: Wednesday, December 2, 2020 12:53 PM
To: Jeffcoat, Brent S.
Cc: [Manager Name]
Subject: RE: Random COVID Testing

Brent,

I'm still waiting on answers to your specific questions, but HR is working to get those answers and compile them. One thing has been made abundantly clear to me… this testing is not optional. If selected, testing is a condition of employment. I wanted to make sure and pass this along given your statement:

> If I do not receive a detailed response to all of the questions detailed above, then I will respectfully conclude that I have the right to choose to participate or decline to participate in the Random COVID Testing as presented in the e-mail that was received from *[Employer Location]* Communications on November 19, 2020.

I'll let you know as I learn more and get answers to the specific questions you've posed. Of course, please don't hesitate to call/text/email me if you have any further questions or would like to discuss this or any other matter. Thanks.
[Manager Name]

From: Jeffcoat, Brent S.
Sent: Wednesday, November 25, 2020 9:06 PM
To: [Manager Name]
Cc: [Manager Name]
Subject: FW: Random COVID Testing
Importance: High

[Manager Name],

Please find below several questions pertaining to the Random COVID Testing e-mail that was received from *[Employer Location]* Communications on November 19, 2020. While the policy doesn't appear to impact *[Organizational Work Group]* personnel, there is always the potential for that to change in the near future. It is the ethical responsibility of *[Company or Organization Name]* to provide a response to these questions, as it is every employee's right to know the personal impacts of such a testing policy.

There are two quick items of note that I'd like to point out before moving into the questions. 1) The Human Performance tool Questioning Attitude was utilized throughout the assembly of this correspondence, and 2) I would like to emphasize that I answered 'Strongly Agree' to the question of raising concerns without fear of retaliation in the most recent employee engagement survey.

Questions pertaining to Random COVID Testing:

1) Is Employee consent required for COVID Testing?
   a) Has the Health Insurance Portability and Accountability Act of 1996 (HIPAA) been considered?
   b) Has the Office for Civil Rights (OCR) been consulted?

2) What are the implications if an Employee refuses to submit to COVID Testing?
   a) Is submitting to the Random COVID Testing a condition of employment?
   b) Are there legal ramifications for implementing a mandatory testing policy of this nature?

3) What type of tests are going to be utilized for this Random COVID Testing?
   a) Molecular (ex. PCR, RT-PCR, qPCR and RT-qPCR Testing)?
   b) Antigen (ex. Rapid Testing)?

     c)   Serology (ex. Antibody Testing)?

4) Has the efficacy of the chosen COVID test been considered?
    a)   For PCR testing, has the Ct (or cycle threshold) been considered for the confirmation of positive test result?
           As Ct value increases, infectiousness decreases:
           https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7427302/figure/f2/
           Ct>30 may be too sensitive:
           https://medicine.yale.edu/labmed/sections/virology/COVID-
           19%20Ct%20values_YNHH%20Aug.%202020%20_395430_36854_v1.pdf
    b)   For Rapid Antigen testing, has the potential for false positive results per the FDA been considered?
           https://www.fda.gov/medical-devices/letters-health-care-providers/potential-false-positive-results-
           antigen-tests-rapid-detection-sars-cov-2-letter-clinical-laboratory
    c)   For Antibody testing, has the efficacy of such tests been considered per the CDC?
           https://www.cdc.gov/coronavirus/2019-ncov/lab/resources/antibody-tests.html

5) Under what guidelines are these tests being performed (what's considered a positive vs. negative test)?
    a)   Local Level (Health Care Provider)?
    b)   State Level (SCDHEC)?
    c)   National Level (CDC or FDA)?

6) As far as privacy is concerned, who will test results be provided to?
    a)   Health Care Providers?
    b)   State Officials (SCDHEC)?
    c)   Internal *[Company or Organization Name]* Personnel?

7) Is Employee consent required for this information to be transmitted?
    a)   Has the Health Insurance Portability and Accountability Act of 1996 (HIPAA) been considered?
    b)   Has the Office for Civil Rights (OCR) been consulted?

8) Has *[Company or Organization Name]* considered the most recent information regarding spread in Asymptomatic (Healthy) people? https://www.nature.com/articles/s41467-020-19802-w
    a)   If so, why is *[Company or Organization Name]* testing healthy individuals?

9) How are Employees that test positive going to be impacted?
    a)   Will Employees that test positive be sent home without pay?
    b)   Will additional confirmatory testing be performed, and what type of test will be used to confirm a positive test result?
    c)   How will clearance to return to work be handled?
    d)   How will positive tests from workers that were on 3rd shift (and that already spent a full shift with coworkers) be handled?

10) For Employees that are impacted adversely, what level of relief is *[Company or Organization Name]* prepared to provide, if any?
    a)   Relief for Loss of Wages?
    b)   Relief for Medical Expenses?
    c)   Is working from home permitted for employees that are able to perform their duties remotely?

11) Where does this policy lead?
    a)   Mandatory Mass Testing?
    b)   Mandatory Vaccinations?

It's worth noting that *[Company or Organization Name]* Employees that have been considered essential to business operations have already submitted to thermal imaging scanners at the entry point, as well as the face mask policy (while evidence supporting the efficacy of masks based on RCT studies has yet to be made available).

If I do not receive a detailed response to all of the questions detailed above, then I will respectfully conclude that I have the right to choose to participate or decline to participate in the Random COVID Testing as presented in the e-mail that was received from *[Employer Location]* Communications on November 19, 2020.

Sincerely,

Brent S. Jeffcoat

From: [Employer or Organization Name]
Sent: Thursday, November 19, 2020 5:32 PM
To: [All Employees]
Subject: Random COVID Testing
Importance: High

<mark>**Managers are required to share this message with employees who are without email access.**</mark>

To All Employees,

COVID cases continue to rise locally, statewide, and across the country. We ask that employees take extra precautions during the holidays. Help protect yourself and your family by wearing masks, maintaining social distance, and practicing proper hygiene while on and off-duty to minimize exposure.

Through random and volunteer COVID testing, results reveal individuals without symptoms associated with the virus can test positive for COVID through 1st-degree exposure.

Due to the high likelihood of exposure during the holiday period and the rapid rise of COVID cases, we are adding random testing to our current COVID protocol. Similar actions are being taken across other GOS Manufacturing locations to proactively reduce the risk of COVID impact in the plant after the holidays.

We may consider regular random testing based on the results, lessons, and on-going exposure trends on-site and in our region during the pandemic. Our priority continues to be keeping our employees and their families safe.

On Monday, November 30th, and Monday, January 4th, *[COMPANY OR ORGANIZATION NAME]* will be randomly selecting individuals for on-site COVID-19 testing (10% of the following identified groups):

-[Organizational Work Group]
-[Organizational Work Group]
-[Organizational Work Group]
-[Organizational Work Group]
-[Organizational Work Group]
-[Organizational Work Group]

Testing for the 3rd shift/nightshift (leaving) and the 1st shift/dayshift (arriving) will be conducted from 6:30 am to 7:30 am. Testing for the 2nd shift (arriving) will be conducted from 2:30 pm to 3:30 pm.

When you drive through the Entry Control Point (ECP), Security will notify you if you have been selected for COVID testing (nasal swab).

Employees on the 1st shift/2nd shift/dayshift who have been selected will be tested in their vehicle as they arrive at the site. Please follow the red arrows to the testing location. Employees on the 3rd shift/nightshift who have been selected will be tested at the location listed on the map (where the shoe truck was parked) as they are leaving.

Once you have completed the test, you will be given a paper showing you have completed the test. You will need to provide the completed paperwork to Security when you badge into the facility or arrive back on-site for your next shift.

The COVID test takes approximately two minutes. Please allow yourself enough time for testing.