



## ILA-USMX JOINT SAFETY COMMITTEE

# OSH ALERT 2020-08 [10 April 2020]

### **ANALYSIS: New Guidance from CDC for Critical Infrastructure Workers Who May Have Been Exposed to COVID-19**

As yesterday's JSC OSH Alert 2020-07 pointed out, the U.S. Centers for Disease Control & Prevention (CDC) have very recently published an ***Interim Guidance*** document meant to clarify what measures and/or protocols should be put in place when an employee is potentially exposed to COVID-19 infection through close contact.

In this analysis we explore the impact of CDC's new ***Interim Guidance***, and in doing so importantly look to the first two paragraphs of that guidance which provides:

*“To ensure continuity of operations of essential functions, CDC advises that critical infrastructure workers may be permitted to continue work following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community.*”

*A potential exposure means being a household contact or having close contact within 6 feet of an individual with confirmed or suspected COVID-19. The timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.”*

The JSC can only interpret the first paragraph of CDC's interim guidance in its literal sense. That is, “***Critical Infrastructure Workers***” (such as longshore workers and those in allied crafts) can now (according to the ***Interim Guidance***) be permitted to continue work (i.e., no quarantine or exclusion necessary) even after a potential exposure to COVID-19, ***provided that*** those potentially exposed employees continue to exhibit no symptoms of associated sickness going forward and that additional precautions (taking of body temperatures, wearing of facepiece masks, disinfecting workplace surfaces and the respect of social distancing) are undertaken.

## Working Together For The Benefit Of All

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In relation to the meaning of “**Potential exposure**” within the second paragraph, CDC is remaining relatively consistent with its previous position. That is, by defining “**close contact**” as having been within 6 feet of an individual with confirmed or suspected COVID-19. What CDC has added to the equation here, is the recognition and inclusion of potential “**household contact.**” In our view, potential exposures brought about by normal interaction between individuals in a domestic setting are now being brought into the equation... and essentially being given a pass; with the caveat that once any symptoms are being experienced all bets are off and the worker is sent home.

**After analysis, the JSC is not happy with what it sees in the newly issued *Interim Guidance*.**

The Joint Safety Committee would like each of its waterfront constituents to understand; as clearly as possible, that neither ILA nor USMX are pleased with the confusion that’s been created by CDC’s new ***Interim Guidance***.

Notwithstanding, both ILA and USMX are committed to ensure the continued uninterrupted flow of imports and exports through our ports.

In that light, ILA and USMX have adopted a policy dealing with many of the workplace Covid-19 issues that may arise. Those agreed upon terms have now been adopted for use at all Master Contract ports, and ILA and USMX will stand by those accords, notwithstanding the CDC’s new ***Interim Guidance***.

Specifically, **none** of the provisions agreed upon by ILA and USMX would be permissive of allowing any worker who had been exposed to an active COVID-19 infection to come to work without adhering to a requisite isolation/restoring of health period first. So, despite what the government is now apparently allowing... **We won’t be going there...**

Here’s a link to the agreed upon policy, applicable throughout the range of Master Contract ports:

<https://documentcloud.adobe.com/link/review?uri=urn%3Aaaid%3Ascds%3AUS%3A0e6b766d-2e6b-4d01-b4bd-26fb8fb73e7d>

In sum, The JSC wants you to know that it’s the U.S. government (with this new CDC ***Interim Guidance***) that is advocating the foregoing form of unwise permissiveness. It is our **private** sense that the ***Interim Guidance*** is decidedly anti-worker (in an administration that shows its animus to workers in an almost non-stop fashion) and simply represents another ironic attack on individuals (workers and managers) who have been asked to provide extraordinary service to the country; in extraordinary times.

**We need to enhance Covid-19 workplace safety protections for each of our management and labor constituents; not erode them!** [10 April 2020]