

CDC Adjusts Direction on Exposure Quarantine Requirements for Employees

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Practice Area: Labor and Employment

On August 11, 2022, the CDC updated its COVID-19 guidance as the risk of severe illness, hospitalization and death from COVID exposure has significantly declined. This Legal Update is primarily focused on the legal compliance obligations for private sector employers. The CDC will issue more specific guidance for specific industries and settings, such as healthcare, congregate settings with higher risk of transmission, and travel. von Briesen's School Law Section will be issuing a legal update with recommendations for schools.

Under the updated guidance, individual quarantine is no longer recommended for individuals with known exposure to COVID-19, unless the exposed individual is sick with COVID-19, has COVID-19 symptoms and suspects COVID-19, or tests positive. While such "close contacts" were previously subject to a quarantine period, the CDC now recommends "high-quality" masking for the 10-day period from the known exposure, with testing recommended on day 5. Should a positive test occur, the individual is subject to the isolation protocols. In addition to the relaxed quarantine guidance, the screening guidance is also modified: The CDC will no longer recommend general screening absent symptoms or known exposures.

In the application of the CDC guidance, the "isolation" period for exposed individuals no longer carries with it a recommendation of isolation absent a showing of illness by the exposed individual and a positive test. Rather, the individual can continue with daily activities but a "high quality" mask must be worn if public contact cannot be avoided. After the 5 day test window, if fever free (without use of medication) and any exhibited symptoms are improving (or no symptoms are exhibited), masking should continue through day 10. In the event an individual does test positive for COVID-19, the individual should stay at home and isolate from others for 5 days. The CDC does caution that even after masking periods or an isolation period ends, the individual should avoid being around high-risk individuals until at least day 11.

The above standards for quarantine and isolation apply regardless of vaccination status. The CDC continues to recommend keeping up to date on vaccination, including booster shots, to protect people from symptomatic infection and transmission. Physical distancing should also be considered a standard safety protocol in light of current COVID-19 Community Levels. Other recommended "tools" to assist in curtailing the spread of COVID-19 include improved ventilation and education on the illness.

The new recommendations should be incorporated by employers in their COVID-19 policies and practices. While the CDC's recommendations do not overrule any applicable State, local, or other industry specific standards, the recommendations are intended to create a floor for overall compliance standards. Unless prohibited by State or local law, employers may choose to go above the CDC's recommendations as they see fit for their business. Standards below the recommendations may create vulnerability to OSHA and other compliance requirements.

In reevaluating compliance responsibilities and opportunities, employers may wish to consider the following action points in light of the CDC's updated COVID-19 guidance:

- Revise COVID-19 policies and procedures in light of updated guidance to require employees exposed to COVID-19 to mask for the 10-day period following exposure but continue to work unless indications of COVID-19 are present or a positive test result occurs on the 5th day following the exposure;
- Determine whether and the extent to which general screening is still necessary where no symptoms are exhibited;
- Designate a point-person to continue to monitor CDC website for additional recommendations on COVID-19 exposures and illness;
- Consider labor union notice and bargaining obligations on policy changes if an employer is subject to a collective bargaining agreement; and
- Consult State, Federal, and other applicable authorities for industry-specific requirements.

If you have questions regarding COVID-19 compliance obligations and application of the CDC standards to your work environment, contact any member of our Labor and Employment Section. Our experienced and HR-savvy labor and employment counsel can help you develop customized action plans to protect your business and your employees.

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