

# MINIMUM RETURN-TO-WORK STANDARDS BASED ON CDC GUIDANCE IN COMMON SCENARIOS<sup>1</sup>

The Centers for Disease Control and Prevention (CDC) has issued COVID-19 guidance about when individuals should quarantine, for how long they should quarantine, and when they may return to work after having been quarantined. The below chart attaches that CDC guidance to common scenarios faced by employers in determining when an employee must stay home and when they can return based on symptoms, exposure to COVID-19, and test results. By identifying the classifications into which an employee falls (i.e., exposed to COVID-19), mild symptoms, and no test result), the chart provides the CDC's recommendations. State and local guidance may deviate from the CDC's in some cases. For this reason, you always check to determine if there is any local guidance. If there is a conflict between CDC guidance and state or local guidance, consult with your counsel to determine the appropriate steps.

Scenario	Quarantine Required Y/N	Quarantine Length	May/Should Employer Require a Negative Virus Test or Doctor's Release to Return? <sup>2</sup>	Leave Rights	Actions with Other Employees
<b>Exposed<sup>3</sup> with no symptoms and no test but vaccinated or recovered from confirmed case of COVID in prior three months</b>	N but must mask for 14 days following exposure or until they receive a negative test result.	N/A	Test: Employee should be tested 3 -5 days after exposure. Dr. Release: Discouraged due to logistical concerns and low value.	None.	None.
<b>Exposed with no symptoms and no test and unvaccinated</b>	Y	Unless instructed otherwise by a local or state health department, 7 days if employee is asymptomatic and receives a negative test in the final 2 days of quarantine.  Unless instructed otherwise by a local or state health department, 10 days if the employee is asymptomatic and is not tested.	Test: Required to return after 7 days and allowed if returning after 10 days. Dr. Release: Discouraged due to logistical concerns and low value.	Voluntary EPSL.	None.

<sup>1</sup> Prior versions of this chart distinguished between critical infra-structure workers and other workers because prior return-to-work standards included quarantine exceptions for critical infrastructure designated workers. The CDC later [issued guidance](#) that reintegrating exposed critical infrastructure workers who are not experiencing any symptoms and have not tested positive back into onsite operations should be used as a **last resort and only in limited circumstances**, such as when cessation of operation of a facility may cause serious harm or danger to public health or safety. In addition, the Occupational Safety and Health Administration (OSHA ) subsequently [issued guidance for workplaces](#) that have since been updated to account for vaccinated and unvaccinated workers. OSHA's guidance, however, made no exception for critical infrastructure. Therefore, as the exception to normal exposure protocol is fact-intensive and carries risks, we have eliminated the critical infrastructure column and corresponding scenarios in this chart. Contact your counsel to discuss any deviation from the exposure guidance from the CDC and how to apply its exceptions.

<sup>2</sup> On July 22, 2020, [the CDC recommended that decisions to end self-isolation should be based on the symptom-based strategies](#) because the testing strategies were unnecessarily extending the duration of the isolation and were a poor use of testing resources. The CDC also found that testing can return positive results without any contagious viral material for extended periods after a patient is no longer contagious, making them over inclusive. Tests should only be used to discontinue isolation or other precautions earlier than would typically occur under the symptom-based strategy. Nevertheless, employers are still allowed to require a negative test. There are many considerations when deciding whether to require employees to provide a negative test result or a doctor's release to return to work which are beyond the scope of this tool. Employers should make these decisions considering local testing circumstances in consultation with their counsel. This chart simply provides the answer to whether it is an option in a given scenario.

<sup>3</sup> Those who have been within six feet of an infected person (confirmed or suspected) for 15 minutes or more, during the 48 hours before the infected person exhibits symptoms (or, if asymptomatic, 48 hours prior to the administration of their COVID-19 test) until the infected person is cleared from self-isolation. [CDC's July 21, 2021 guidance](#) for vaccinated individuals.

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Scenario	Quarantine Required Y/N	Quarantine Length	May/Should Employer Require a Negative Virus Test or Doctor's Release to Return? <sup>2</sup>	Leave Rights	Actions with Other Employees
<b>Exposed with mild to moderate symptoms<sup>4</sup> but no test and unvaccinated</b>	Y	A minimum of 14 days from the last date of exposure or 10 days from the onset of symptoms, whichever is longer, and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	Test: Allowed. Dr. Release: Allowed.	Voluntary EPSL and potentially ordinary FMLA depending on severity of symptoms.	None unless employee was in the workplace within 48 hours of the onset of symptoms, then notification and contact tracing (treat as a presumed positive case). <sup>5</sup>
<b>Exposed with severe symptoms<sup>6</sup> but no test both vaccinated and unvaccinated</b>	Y	Length of isolation is determined by the health care provider.	Test: Allowed. Dr. Release: Recommended.	Voluntary EPSL and FMLA.	Notification and contact tracing (treat as a presumed positive case).
<b>Mild to moderate symptoms but no exposure and no test both vaccinated and unvaccinated</b>	Y	This scenario needs a highly individualized response based on the particular facts. Contact your counsel to discuss the situation.	Test: Highly recommended. Dr. Release: Allowed.	FMLA depending on severity of symptoms. Voluntary EPSL with appropriate doctor's order.	Contact counsel.
<b>Severe symptoms but no exposure and no test both vaccinated and unvaccinated</b>	Y	Length of isolation is determined by the health care provider.	Test: Allowed. Dr. Release: Recommended.	FMLA and Voluntary EPSL with appropriate doctor's order.	Notification and contact tracing (treat as a presumed positive case).

4. While not specifically defined in the CDC guidance on discontinuation on self-isolation, the CDC provides the following information in other guidance: Mild Illness: Individuals who have any of the various signs and symptoms of COVID-19 (e.g., fever, cough, sore throat, malaise, headache, muscle pain) without shortness of breath, dyspnea, or abnormal chest imaging. Moderate Illness: Individuals who have evidence of lower respiratory disease by clinical assessment or imaging, and a saturation of oxygen (SpO<sub>2</sub>) ≥94% on room air at sea level.

5. Contact tracing means identifying all individuals who had close contact with the infected employee and requiring those individuals to quarantine.

6. While not specifically defined in the CDC guidance on discontinuation on self-isolation, the CDC provides the following information in other guidance: Severe Illness: Individuals who have respiratory frequency >30 breaths per minute, SpO<sub>2</sub> <94% on room air at sea level (or, for patients with chronic hypoxemia, a decrease from baseline of >3%), ratio of arterial partial pressure of oxygen to fraction of inspired oxygen (PaO<sub>2</sub>/FiO<sub>2</sub>) <300 mmHg, or lung infiltrates >50%.

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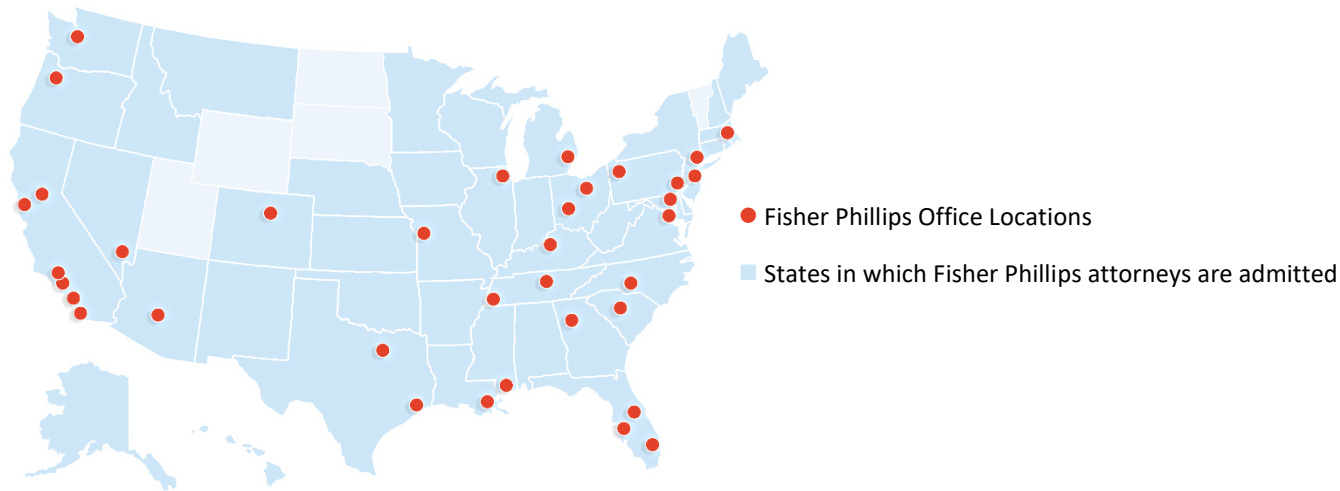
Scenario	Quarantine Required Y/N	Quarantine Length	May/Should Employer Require a Negative Virus Test or Doctor's Release to Return? <sup>2</sup>	Leave Rights	Actions with Other Employees
<b>Mild to moderate symptoms but no exposure and positive test both vaccinated and unvaccinated</b>	Y	A minimum of 10 days from the onset of symptoms or for as long as symptoms exist, whichever is longer, and at least 24 hours have passed since resolution or fever without medication and all other symptoms have improved	Test: Allowed but not recommended due to high risk of false positive. Dr. Release: Allowed.	Voluntary EPSL and FMLA depending on severity of symptoms.	Notification and contact tracing.
<b>Severe symptoms but no exposure and a positive test both vaccinated and unvaccinated</b>	Y	Length of isolation is determined by the health care provider.	Test: Allowed but not recommended due to high risk of false positive. Dr. Release: Recommended.	Voluntary EPSL and FMLA.	Notification and contact tracing.
<b>Mild to moderate symptoms but no exposure and a negative test both vaccinated and unvaccinated</b>	Y	This scenario needs a highly individualized response based on the very particular facts. Contact your counsel to discuss the situation.	Test: Highly Recommended Dr. Release: Allowed.	FMLA depending on severity of symptoms. Voluntary EPSL with appropriate doctor's order.	Contact counsel.
<b>Severe symptoms but no exposure and a negative test both vaccinated and unvaccinated</b>	Y	Length of isolation is determined by the health care provider.	Test: Allowed. Dr. Release: Recommended.	FMLA and Voluntary EPSL with appropriate doctor's order.	Notification and contact tracing (treat as a presumed positive case).
<b>Exposed plus mild to moderate symptoms and positive test both vaccinated and unvaccinated</b>	Y	A minimum of 10 days from the onset of symptoms or for as long as symptoms exist, whichever is longer, and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	Test: Allowed but not recommended due to high risk of false positive. Dr. Release: Allowed.	EPSL and FMLA depending on severity of symptoms	Notification and contact tracing.

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Scenario	Quarantine Required Y/N	Quarantine Length	May/Should Employer Require a Negative Virus Test or Doctor's Release to Return? <sup>2</sup>	Leave Rights	Actions with Other Employees
<b>Exposed plus mild to moderate symptoms and negative test both vaccinated and unvaccinated</b>	Y	A minimum of 14 days from the date of last exposure or 10 days from the onset of symptoms, whichever is longer, and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	Test: Allowed. Dr. Release: Allowed.	Work at home or Voluntary EPSL and FMLA depending on severity of symptoms.	None unless employee was in the workplace within 48 hours of the onset of symptoms. Then contact tracing.
<b>Exposed plus severe symptoms and negative test both vaccinated and unvaccinated</b>	Y	Length of isolation is determined by the health care provider.	Test: Allowed. Dr. Release: Recommended.	Voluntary EPSL with appropriate doctor's order and FMLA.	Notification and contact tracing (treat as a presumed positive case).
<b>Exposed but no symptoms and a positive test vaccinated and unvaccinated</b>	Y	10 days from the date the test was given if no symptoms develop.	Test: Allowed but not recommended due to high risk of false positive.  Dr. Release: Discouraged due to logistical concerns and low value.	Voluntary EPSL.	Notification and contact tracing.
<b>Exposed but no symptoms and a negative test and unvaccinated</b>	Y	Unless instructed otherwise by a local or state health department, seven days if employee is asymptomatic and receives a negative test in the final two days of quarantine.  Unless instructed otherwise by a local or state health department, ten days if the employee is asymptomatic and is not tested.	Test: Test: Required to return after 7 days and allowed if returning after 10 days.  Dr. Release: Discouraged due to logistical concerns and low value.	Voluntary EPSL with appropriate doctor's order.	None.

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Exposed but no symptoms and a negative test and vaccinated	N	N/A	Test: Allowed. Dr. Release: Discouraged due to logistical concerns and low value.	None.	None.
No exposure with no symptoms but a positive test both vaccinated and unvaccinated	Y	10 days from the date the test was given.	Test: Allowed. Dr. Release: Allowed.	Work at home or Voluntary EPSL.	Notification and contact tracing.
No exposure with no symptoms and a negative test both vaccinated and unvaccinated	N	N/A	No.	None.	None.



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