

CDC'S LATEST COVID-19 GUIDANCE COMPLICATES 6-15-48 CONTACT TRACING PROCEDURES FOR EMPLOYERS

Insights
Oct 22, 2020

New COVID-19 contact tracing procedures released by the federal government yesterday have expanded the category of individuals who are deemed to be in close contact with each other – and will complicate the already difficult task faced by employers when trying to maintain a safe workplace environment. The [updated guidance](#) now indicates that workers should be considered to be at risk of contracting the novel coronavirus if they were within six feet of an infected individual for a total of 15 minutes or more over a 24-hour period during the 48 hours before the infected individual exhibited symptoms or, if asymptomatic, 48 hours before the COVID-19 test was administered, even if the interactions that lead to a cumulative total of 15 minutes were brief and spread out over that time. What do employers need to know about this new standard, and more importantly what do you need to change about your workplace practices?

WHAT WAS THE EXISTING STANDARD?

For months during the ongoing pandemic, employers have been applying a ["6-15-48"](#) analysis when encountering a suspected or confirmed COVID-19 case at their workplace to identify employees who worked directly exposed to the infected worker and thus had to be quarantined. The Centers for Disease Control and Prevention (CDC) contact tracing guidelines in the workplace was straightforward: businesses needed to identify workers who worked within six feet of an infected employee, for 15 minutes or more, within the 48 hours prior to the sick individual showing

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symptoms (or, for asymptomatic individuals, two days prior to test specimen collection).

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WHAT CHANGED?

The CDC has updated the definition of the term "**close contact**." The latest guidelines now provide the following definition to identify someone who should be considered at risk of being infected:

Someone who was within 6 feet of an infected person for a ***cumulative total of 15 minutes or more over a 24-hour period starting from*** 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated.

Practically, this means that you must now determine which employees were within six feet of an infected employee for a **combined** total of 15 minutes or more over any 24-hour period within the 48 hours prior to the sick individual showing symptoms, and not just during one 15-minute period. For example, an employee who was within six feet of an infected person on three occasions of five minutes in length each, or eight occasions of two minutes each, is now considered to have had "close contact" with that person and must quarantine.

This new guidance complicates your efforts to conduct contact tracing because employees who come into contact for short periods of times multiple times over a 24-hour period will need to be examined to determine whether they were cumulatively exposed for 15 minutes or more. This expansion is going to require quarantining of employees who have brief, but frequent, interactions with positive coworkers, which will likely result in additional employees having to quarantine.

CDC'S FACTORS TO CONSIDER

In addition to the general definition of "close contact," the CDC has also provided factors to consider when defining close contact, including:

1. Proximity – closer contact likely increases exposure risk;
2. Duration – longer exposure time likely increases exposure risk;

3. Symptomatic/Asymptomatic – the period around onset of symptoms is associated with the highest levels of viral shedding;
4. Respiratory aerosols – if the infected person was coughing, singing, or shouting; and
5. Environmental factors – crowding, adequacy of ventilation, whether exposure was indoors or outdoors.

These factors should be applied in addition to the latest general definition of “close contact.” For employees who were exposed to a cumulative period of time that could be close to 15 minutes, these additional factors may be useful in determining whether the employee should be quarantined. If your company is part of the nation’s critical infrastructure, you may follow different [CDC guidelines](#) in lieu of quarantining 6-15-48 employees who are asymptomatic. However, all companies can use the guidance above to identify exposed, or 6-15-48, workers.

WHAT SHOULD EMPLOYERS DO?

Going forward, you should continue to apply the [6-15-48](#) analysis to determine which employees were exposed and thus should quarantine, but you should also adopt the latest cumulative guidance when determining if an employee was exposed for 15 minutes. In addition to asking the ill worker about close contacts they had during the pertinent time period, you can also rely upon surveillance video, time records showing when workers clocked in and out, and other evidence that may assist identifying where employees were located during that time.

The CDC’s latest guidance also states that the determination of close contact does not change if employees are using fabric face coverings. Therefore, you should follow the latest guidance regardless of whether your employees are required to wear face coverings.

CONCLUSION

Unfortunately, addressing confirmed COVID-19 cases in your workplace will likely be an issue for the foreseeable future. You should prepare for confirmed COVID-19 cases in your workplace by implementing contact tracing policies that comply with the latest CDC guidelines. This is a

constantly evolving area, as scientists continue to learn more about the COVID-19 virus, and you should be prepared to adapt your policies to changing guidance. To ensure your response is consistent with current guidance, you will want to seek the advice of counsel. For further information, contact your Fisher Phillips attorney or any member of our [Post-Pandemic Strategy Group Roster](#).

Fisher Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

This Legal Alert provides an overview of a specific developing situation. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.