

EMPLOYERS SHOULD EXHIBIT PATIENCE IN EASING COVID-19 RESTRICTIONS DESPITE CDC'S NEW GUIDELINES ON FULLY VACCINATED EMPLOYEES

Insights
Mar 8, 2021

While many might be celebrating the [first set of public health recommendations that permit relaxed safety standards for fully vaccinated people](#), employers should not be automatically changing their current safety practices as a result. The new guidance issued today by the Centers for Disease Control and Prevention (CDC) may allow fully vaccinated people to shed their masks and ignore physical distancing limits when gathering indoors with other fully vaccinated people, among other things, but impending federal safety standards and a patchwork of state-level restrictions means that you should exercise patience before modifying workplace standards. What do you need to know about today's new guidance?

CDC's Interim Guidance, Explained

For purposes of its new guidance, the CDC considered people to be "fully vaccinated" at least two weeks after they received the second dose in a two-dose series (Pfizer-BioNTech or Moderna), or at least two weeks after receiving the single-dose vaccine (Johnson and Johnson [J&J]/Janssen). In non-healthcare settings, fully vaccinated people may:

- visit with other fully vaccinated people indoors without wearing masks or physical distancing;
- visit with unvaccinated people from a single household who are at low risk for severe COVID-19 disease indoors without wearing masks or physical distancing; and

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- **refrain from quarantine and testing** following a known exposure (if they remain asymptomatic).

The guidance also notes that, in all other situations, fully vaccinated people should continue to follow the standard safety protocols to which we have all become all-too accustomed, including:

- take precautions in public like wearing a well-fitted mask and physical distancing;
- wear masks, practice physical distancing, and adhere to other prevention measures when visiting with unvaccinated people who are at increased risk for severe COVID-19 disease or who have an unvaccinated household member who is at increased risk for severe COVID-19 disease;
- wear masks, maintain physical distance, and practice other prevention measures when visiting with unvaccinated people from multiple households;
- avoid medium- and large-sized in-person gatherings;
- get tested if experiencing COVID-19 symptoms;
- follow guidance issued by individual employers; and
- follow CDC and health department travel requirements and recommendations.

Why Should Employers Continue To Require Masks And Distancing?

While the CDC's updated guidance slightly relaxes its recommendations for fully vaccinated people, you should remember that **a widely anticipated Emergency Temporary Standard from the Occupational Safety and Health Administration (OSHA)**, which is expected to appear soon – perhaps by mid-March – may not relax those standards. In other words, you may soon be required for the first time under federal law to maintain a workplace safety policy that calls for universal mask-wearing and maintaining physical distancing. While the OSHA standard may take into account today's CDC's guidance, we cannot be sure of exactly what to expect. Therefore, the more prudent course would be to wait a few weeks to see what OSHA has to say and adjust your policies accordingly.



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Moreover, [California state law currently requires employers](#) to maintain precautions that are presently in place, as do a variety of other states. Employers in these areas have an affirmative obligation to maintain mask policies and physical distancing rules, among other things, regardless of what the CDC now advises.

What Should Employers Do?

So long as state rules do not run contrary, you may ease off quarantine rules in certain situations involving fully vaccinated workers ([read more here](#)). Beyond that, now is the time for employers to exhibit patience.

The CDC has said it will update and expand its guidance based on the level of community spread, the proportion of the population that is fully vaccinated, and the rapidly evolving science on COVID-19 and vaccines. No doubt that OSHA, California, and other states with emergency temporary standards will take into account the CDC guidance and the current state of affairs when determining whether and how to adjust their standards, so you should pay attention to developments and stay up to speed on this fluid situation.

For now, as vaccine availability increases, it is becoming increasingly important for employers to develop their own action plan. We have developed [a 10-step action plan for employers](#) to consider that provides practical guidance and suggestions for proceeding as we head towards the wider availability of the vaccine.

We will monitor the progress of this situation and provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' alert system](#) to get the most up-to-date information. If you have questions about developing detailed vaccination plans or how to ensure that your vaccine policies comply with workplace and other applicable laws, visit our [Vaccine Resource Center for Employers](#) or contact your Fisher Phillips attorney or any attorney on our [FP Vaccine Subcommittee](#).