

CDC SUBSTANTIALLY RELAXES QUARANTINE REQUIREMENTS FOR THOSE FULLY VACCINATED

Insights
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Stopping short of completely eliminating quarantine requirements for people who have been fully vaccinated for COVID-19, the Centers for Disease Control and Prevention (CDC) just [substantially relaxed its recommended isolation requirements](#) for those who have completed the vaccine regimen. While certain restrictions still remain and the guidance is almost certain to change in the coming months, this new guidance provides employers yet additional motivation to encourage their workers to get inoculated. What do employers need to know about the February 10 announcement?

What's Changed?

Specifically, under the new CDC guidance, an individual with an exposure to someone with suspected or confirmed COVID-19 is not required to quarantine if they meet both of the following requirements:

- Have been fully vaccinated, meaning it has been at least two weeks since the second dose in a two-dose series or since the receipt of one dose of a single-dose vaccine; and
- Have remained asymptomatic since the current COVID-19 exposure.

Employers should follow current post-exposure quarantine guidance for workers who do not meet both of these criteria after an exposure to someone with suspected or confirmed

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COVID-19. In most cases, this would require a 14-day quarantine.

The new guidance is consistent with CDC's previous commentary regarding post-exposure quarantining by someone who has recently recovered from a case of COVID-19. They too are not required to quarantine following another exposure during the three months after their recovery. People should quarantine, however, if they experience COVID-19 symptoms.

What Hasn't Changed

This guidance does not change – and should not be confused with – the CDC's prior statements regarding those who have been fully vaccinated. These workers should continue to practice other basic precautions such as wearing masks, social distancing, avoiding crowds, and hand-washing, and employers should still hold all workers to these standards.

To this end, the CDC's guidance still tracks with the federal Occupational Safety and Health Administration's (OSHA's) recent guidance recommending employers not relax preventative measures for employees who have been vaccinated. This is because the extent to which receiving a vaccination may mitigate or eliminate transmission of the virus remains unclear.

What Should You Do?

This guidance raises issues for employers to consider. The first issue to address: updating your policies and practices concerning quarantining as they pertain to those who have been vaccinated. This will require you to develop ways to track employee vaccination status and applicable quarantine requirements. Of course, it also highlights the relevance of knowing which employees have been vaccinated, regardless of whether you require, encourage, or take no position on vaccines in general.

Although asking an employee whether they have been vaccinated is not considered to be a medical examination under the Americans with Disabilities Act (ADA), an employee's elaboration on their reasons for not being vaccinated could quickly do so. In any event, you should always be mindful to protect the confidentiality of such information.

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Finally, the idea of loosening your quarantine protocols for a segment of your workforce may sound like an attractive option for obvious reasons (provided you do so in a safe manner in line with the CDC's guidance), and therefore may cause you to consider offering incentives to workers to induce them to get inoculated. There are legal risks associated with common methods of incentivizing COVID-19 vaccinations, however, so we recommend you check out our alert for more information: [Charting The Risk Associated With Common Workplace COVID-19 Vaccine Incentive Programs](#).

Conclusion

We will continue to monitor developments related to the COVID-19 vaccines and related workplace questions that arise. Make sure you are subscribed to [Fisher Phillips' alert system](#) to get the most up-to-date information. If you have questions about 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](#).

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