

CDC'S UPDATED RETURN-TO-WORK STANDARDS MAY BE HELPFUL TO BUSINESSES

Insights
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The Centers for Disease Control and Prevention [has provided updated guidance](#) on when a person with COVID-19 may discontinue home isolation, offering a more flexible standard that could help employers and employees manage absences during this uncertain time. Previously, the recommendation was that people who test positive for COVID-19 or people experiencing COVID-19 like symptoms should self-quarantine for 14 days. The updated guidelines now allow people to end home isolation and return to work well before the previous 14-day period. According to the CDC, these new recommendations will prevent most, but may not prevent all, instances of secondary spread.

What remains the same is that you should immediately separate employees who are exhibiting COVID-19 symptoms when they arrive at work or who become sick during the day from other employees, customers, and visitors. What's updated is that you can bring an employee back to work from home isolation when they satisfy one of the two options presented by the CDC.

TIME-SINCE-ILLNESS-ONSET AND TIME-SINCE-RECOVERY STRATEGY (NON-TEST-BASED)

According to the first option, employees with COVID-19 who have symptoms and were directed to care for themselves at home may discontinue home isolation under the following conditions:

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- At least three days (72 hours) have passed since recovery, defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath);
- Other symptoms have improved (for example, when cough or shortness of breath have improved); and
- At least seven days have passed since symptoms first appeared.

TEST-BASED STRATEGY (SIMPLIFIED FROM INITIAL PROTOCOL)

Employees who have COVID-19 with symptoms present and were directed to care for themselves at home may discontinue home isolation under the following conditions:

- Resolution of fever without the use of fever-reducing medications;
Improvement in respiratory symptoms (e.g., cough, shortness of breath); and
Negative results of an FDA Emergency Use Authorized molecular assay for COVID-19 from at least two consecutive nasopharyngeal swab specimens collected ≥ 24 hours apart (total of two negative specimens). See [Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Persons Under Investigation \(PUIs\) for 2019 Novel Coronavirus \(2019-nCoV\)](#) for specimen collection guidance.

Previous recommendations for a test-based strategy remain applicable. However, a test-based strategy is contingent on the availability of ample testing supplies and laboratory capacity as well as convenient access to testing. For jurisdictions that choose to use a test-based strategy, the recommended protocol has been simplified so that only one swab is needed at every sampling.

In the case of an employee testing positive for COVID-19, you should inform other employees of their possible exposure to COVID-19 at work. You should maintain confidentiality of the identity of the employee who tested positive as required by the Americans with Disabilities Act (ADA). Those employees who worked closely with the infected employee should self-monitor for symptoms and follow the CDC guidelines as necessary.

Individuals with laboratory-confirmed COVID-19 who have not had any symptoms may discontinue home isolation when at least seven days have passed since the date of their first positive COVID-19 diagnostic test and have had no subsequent illness.

The decision to discontinue home isolation should be made along these guidelines, while also considering the context of local circumstances.

CONCLUSION

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. For further information, contact your Fisher Phillips attorney, or [any member of our COVID-19 Taskforce](#). You can also review our nationwide [Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus](#) and our [FP Resource Center For Employers](#), maintained by our Taskforce.

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.