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Quarantines and Isolations – What Employers Need to Know About the New CDC Guidance

On Monday, December 27, 2021, the Centers for Disease Control and Prevention (CDC) provided new guidance[1] regarding quarantine and isolation periods for those who test positive for COVID-19 and those who have been exposed to COVID-19. The guidance comes at a time when COVID-19 cases are rising across the country, likely because of the new highly-transmissible Omicron variant. The CDC's guidance is not a "mandate" of any sort, but rather, serves as a recommendation that can be used by employers when addressing staffing shortages and determining when to safely permit or require employees who have been infected or exposed to return to work.

According to the CDC, most COVID-19 transmission "occurs early in the course of the illness, generally in the 1-2 days prior to onset of symptoms and the 2-3 days after." [2] New information about COVID-19, the Omicron variant, and vaccine efficacy is driving the changes to isolation and quarantine recommendations.

The chart below summarizes the CDC's updated guidance for the general population. Some employers may consider revising existing policies to shorten the period of time that workers are prohibited from performing "in person" work involving direct contact with co-workers, customers, and the general population following COVID-19 infection or exposure based on this updated guidance. This may be especially true when labor shortages might otherwise interrupt the employer's operations unless recently exposed and infected employees resume normal work.

Unvaccinated Individuals

Positive COVID-19 Test	• Stay home in isolation for five days • If no symptoms or symptoms are improving after five days, m must wear a mask around other people for an additional five day
COVID-19 Exposure	• Stay home in quarantine for five days • Test on fifth day after exposure • If negative COVID-19 test, may leave the house but must wear a people for an additional five days • If a five-day quarantine is not feasible, must wear a mask arou ten days total

Vaccinated Individuals

(More than six months after Pfizer or Moderna vaccination or more than two months after J&J vaccination and without a booster shot)

Positive COVID-19 Test	• Stay home in isolation for five days • If no symptoms or symptoms are improving after five days, may leave home but must wear a mask around other people for an additional five days
COVID-19 Exposure	• Stay home in quarantine for five days • Test on fifth day after exposure • If negative COVID-19 test, may leave the house but must wear a mask around other people for an additional five days • If a five-day quarantine is not feasible, must wear a mask around other people for ten days total

Recently Vaccinated and Boosted Individuals

(Fewer than six months after Pfizer or Moderna vaccination, fewer than two months after J&J vaccination, or those who have had a booster shot)

Positive COVID-19 Test	• Stay home in isolation for five days • If no symptoms or symptoms are improving after five days, may leave home but must wear a mask around other people for an additional five days
COVID-19 Exposure	• Wear a mask around others for ten days • Test on day five after exposure • No quarantine or isolation period required

Additionally, health care employers should consider separate updated CDC guidance, released December 23, 2021, for quarantine and isolation periods. These recommendations allow for even shorter quarantine and isolation periods for health care workers to address the potential impact that the new surge may have on health care systems. Under certain circumstances, health care workers who test positive for COVID-19 but are asymptomatic may not be subject to any work restrictions, particularly if their employer is in "contingency" or "crisis" mode.

Key Takeaways

Employers may consider updating existing policies based on these new CDC recommendations for quarantine and isolation periods. Employers might also consider implementing vaccine, testing, and/or mask mandates, if feasible, to minimize disruption to their business during this surge of COVID-19 cases.

This client alert was drafted by Katherine A. Davis. She is an associate in the Spencer Fane Kansas City, Missouri office. For more information, please visit www.spencerfane.com.

[1] CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population (Dec. 27, 2021) https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine-guidance.html.

[2] *Id.*