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UPDATE Got vaccinated? New CDC guidance relaxes some precautions creating new considerations for employers

By Shelagh Michaud, Rachel Conn, and Benjamin Kim

To remain current with updated Centers for Disease Control (CDC) and state Department of Labor (DOL) guidance relating to fully vaccinated people, new updates to this Alert are provided **in red** below.

On March 8, 2021, in what will be evolving guidance based on “the proportion of the population that is fully vaccinated, and the rapidly evolving science on COVID-19 vaccines,” the CDC issued its *Interim Public Health Recommendations for Fully Vaccinated People*. In this guidance and the supporting [science brief](#), the CDC reports that the vaccines authorized for use in the United States (Pfizer, Moderna, and Johnson & Johnson vaccines) are “highly effective at protecting vaccinated people against symptomatic and severe COVID-19” and that growing evidence points toward findings that fully vaccinated people are “less likely to have asymptomatic infection and potentially less likely to transmit [COVID-19] to others.” Based on this information, and [other public health considerations](#), the CDC has issued new guidance relaxing some COVID-19 precautions for fully vaccinated people *in non-health care settings*. For employers, this new guidance begins to change the landscape and offers important insights for employers in the months ahead, as more and more of the workforce will become fully vaccinated.

First, the basics on the new guidance:

Who is considered fully vaccinated?

According to the CDC, people are considered fully vaccinated two weeks after they receive the second dose of the Pfizer or Moderna vaccines or two weeks after they receive the single dose of the Johnson & Johnson vaccine. This current guidance addresses only these three vaccines and not others which may have emergency World Health Organization approval, but not emergency Food and Drug Administration approval.

Importantly, people who have received the second dose of the Pfizer or Moderna vaccines or the first dose of the Johnson & Johnson vaccine less than two weeks prior or who have only received

the first dose of the Pfizer or Moderna vaccines are not considered fully vaccinated and should continue taking all COVID-19 precautions until they are fully vaccinated.

What can fully vaccinated people do that non-vaccinated people and/or not fully vaccinated people should not do?

Under this new CDC guidance, “there are several activities that fully vaccinated people can resume now, at low risk to themselves, while being mindful of the potential risk of transmitting the virus to others.” Fully vaccinated people can:

- visit indoors with other fully vaccinated people without wearing masks or physical distancing,
- visit indoors with unvaccinated people *from a single household* who are at low risk for severe COVID-19 without wearing masks or physical distancing, and
- refrain from quarantine and testing following a known exposure to a person with suspected or known COVID-19 so long as the fully vaccinated person remains asymptomatic after exposure.

What should fully vaccinated people continue to do to prevent the spread of COVID-19?

Currently, because there is still uncertainty about transmission of COVID-19 to and from vaccinated individuals, especially to people with increased risk for severe COVID-19, fully vaccinated people should continue to:

- Wear a well-fitted mask, practice physical distancing and follow other preventative measures:
 - in public places and at public gatherings, or
 - when visiting with people who are not vaccinated and are at [increased risk for severe COVID-19](#) or live with a person who is not vaccinated and is at increased risk for severe COVID-19, or
 - when visiting with people who are not vaccinated from multiple households.
- Avoid medium- and large-sized in-person gatherings,
- Avoid poorly ventilated spaces,
- Get tested if become symptomatic for COVID-19,
- Follow any applicable guidance issued by employers or schools, and
- Follow CDC and state or local health department travel requirements and recommendations.

If a fully vaccinated person becomes symptomatic for COVID-19, especially after exposure to a person with suspected or known COVID-19, they should self-isolate and be evaluated and/or tested for COVID-19. Additionally, “fully vaccinated people should not visit or attend a gathering if they have tested positive for COVID-19 in the prior 10 days or are experiencing COVID-19 symptoms, regardless of vaccination status of the other people at the gathering.”

Has the CDC changed travel guidance for fully vaccinated people?

Yes. On April 2, 2021, the CDC issued [new travel guidance for domestic travel](#) as well as [for international travel](#). According to the CDC's latest guidance, "fully vaccinated travelers are less likely to get and spread COVID-19" and, therefore, "[p]eople who are fully vaccinated with an FDA-authorized vaccine can travel safely within the United States." The CDC continues to advise that fully vaccinated people should wear masks, maintain social distance, and wash hands frequently while traveling. However, after traveling, fully vaccinated people do not need to get tested or quarantine. Fully vaccinated people should also follow any other state travel orders and guidance, as states' requirements may be more restrictive than the CDC guidance.

Although the CDC warned that "international travel poses additional risks and even fully vaccinated travelers are at increased risk for getting and possibly spreading new COVID-19 variants," it did loosen the guidance for international travel by fully vaccinated people. The CDC still requires that all air passengers coming into the United States, *including U.S. citizens and fully vaccinated people*, have a negative COVID-19 test no more than three days before air travel or documentation of recovery from COVID-19 in the past three months before air travel to the United States. However, they do not need to quarantine after arriving in the United States. The CDC also continues to recommend that they follow the [CDC's guidance on traveling safely](#) and get a viral test (a test which tests for a current COVID-19 infection) 3–5 days after traveling.

The CDC did not change its recommendations for unvaccinated people, including those who have had both vaccinations but are not yet through the time period to be considered fully vaccinated. This includes getting a test 1–3 days before travel, taking necessary COVID-19 safety precautions, and getting a test 3–5 days and quarantining for seven days, or for ten days without a test, after travel.

Do fully vaccinated people need to quarantine if exposed to someone with suspected or known COVID-19?

No. "Fully vaccinated people with no COVID-like symptoms do not need to quarantine or be tested following an exposure to someone with suspected or confirmed COVID-19, as their risk of infection is low." However, they should monitor for COVID-19 symptoms following exposure and if they become symptomatic, self-isolate and be evaluated and/or tested.

Did the CDC issue any specific updates for workplaces in this new guidance?

Yes. Importantly, the new guidance applies in *non-health care* settings only. Additionally, the CDC continues to recommend that fully vaccinated employees in non-health care congregate settings (e.g., correctional and detention facilities, group homes) and other high-density workplaces (e.g., meat and poultry processing and manufacturing plants) should test for COVID-19 following exposure to a person with suspected or known COVID-19 and continue routine workplace testing where routine testing is being used. However, they do not need to quarantine after exposure to a person with suspected or known COVID-19, so long as the fully vaccinated employee remains symptom free.

Do fully vaccinated employees need to quarantine after exposure to COVID-19?

No. Under this new CDC guidance, fully vaccinated employees do not need to quarantine after exposure to a person with suspected or known COVID-19, unless the vaccinated employee develops

symptoms in which case they need to self-isolate and be evaluated and/or tested. If a fully vaccinated employee becomes symptomatic, the employer should follow state or local requirements for isolation of COVID-19 positive cases and/or recommendations from a medical professional or public health official.

Do fully vaccinated employees need to follow travel quarantine requirements?

It depends. The CDC guidance recommends that fully vaccinated people do not need to quarantine after travel, but travel quarantine orders continue to vary by state and local order. To determine whether specific travel quarantine orders have changed for fully vaccinated employees, employers should review state and local travel quarantine orders applicable to each workplace.

As employers review and digest this new guidance, it is important to remember that access to vaccines varies by state, and many employees may not yet be eligible to receive the vaccine and therefore cannot become fully vaccinated. Employers should also consider potential ramifications of inquiring about whether their employees are vaccinated where such inquiry would require the employee to disclose that they have a disability or medical condition. (In some states, vaccines are only available to people over a certain age, teachers, *and/or those with medical conditions which place them at high risk for COVID-19.*) Employers that are considering relaxing workplace restrictions for fully vaccinated employees, such as allowing fully vaccinated employees to have small, in person meetings with other fully vaccinated employees if they so choose also need to ensure their policies and procedures are compliant with state and local regulations, ordinances, and orders. For example, Cal/OSHA's COVID-19 regulation currently does not allow for any exemptions for vaccinated employees. However, as the number of fully vaccinated people increases and the CDC continues to relax COVID-19 precautions for fully vaccinated people, we expect to see other agencies and state and local governments take employee vaccination status into consideration for revised guidance and regulations.

Additionally, employers who want to explore mandatory vaccination programs and/or incentives for employees who get vaccinated should review these [Nixon Peabody employment alerts](#) for considerations on these programs.

This summary is just part of the overlapping web of issues facing businesses as a result of the COVID-19 pandemic. Our Nixon Peabody team will continue to provide [updates](#) on other issues facing employers and solutions to assist them in navigating these turbulent times.

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