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In an effort to keep you updated during the COVID-19 pandemic, we are providing you with updates on the latest developments. Please do not hesitate to reach out to your Sheakley HR team member should you have additional questions or concerns.

CDC Issues New Guidance on December 3: Options to Shorten a COVID-19 Quarantine Period

While continuing to champion a 14-day quarantine to more completely reduce the risk of COVID-19 spread, the CDC has offered two shorter quarantine options for NON-POSITIVE cases (i.e. for those exposed to a positive case).

After Day 10

Quarantine can end after Day 10 without testing if no symptoms have been reported during daily monitoring. Under this approach, the CDC estimates the residual post-quarantine transmission risk is between approximately 1% and 10%.

After Day 7

When diagnostic testing resources are sufficient and available, quarantine can end after Day 7 IF a diagnostic specimen test is negative AND no symptoms were reported during daily monitoring. While the specimen may be collected and tested within 48 hours before the planned quarantine discontinuation, the quarantine cannot be discontinued earlier than Day 7. Under this approach, the CDC estimates the residual post-quarantine transmission risk is between approximately 5% and 12%.

Additional Conditions for the Reduced Quarantine Periods

Quarantine under these reduced time periods can be discontinued only if the following criteria are met:

- No clinical evidence of COVID-19 has been detected by daily symptom monitoring during the quarantine period up to the time the quarantine is discontinued;
- Daily symptom monitoring continues through Day 14; and
- People are counseled to strictly adhere to all recommended non-pharmaceutical interventions. If any symptoms develop, they should immediately self-isolate and contact the local public health authority or their healthcare provider to report their clinical status change.

The CDC continues to recommend a 14-day quarantine to more completely reduce the spread of COVID-19. The shorter quarantine options are intended to balance reducing the personal burdens of quarantining (physical, mental, economic) against a small increase to the possibility of spread versus the 14-day quarantine.

COVID-19 Vaccination: What We Know Now

Privately-owned companies can require their employees to obtain the COVID-19 vaccination. These companies are still subject to Americans with Disabilities Act (ADA) compliance and the need to make exceptions for certain religious beliefs. There is also a TON of gray area surrounding the

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COVID-19 vaccine and how employers can promote, require and initiate the vaccine.

The Occupational Safety and Health Administration (OSHA) states that employers are required to provide a “safe workplace” for their employees, however we do not require flu vaccines and other similar vaccinations (this can differ depending on the industry). For example, healthcare or day care workers may be employers that are able to require COVID-19 vaccines, because these employers could prove that it’s necessary to require vaccinations due to the nature of their business.

Is an employer liable if an employee contracts COVID-19 while working?

Let’s use the seasonal flu as an example. If an employee contracts the flu from someone at work or from a client, they are not eligible to receive workers’ compensation benefits. At this time, we believe this reasoning would remain the same for COVID-19.

What should employers do if employees begin asking questions about vaccination requirements/companies stance on the vaccine?

At this time, it would be best to advise your employees that the company is not required to make the COVID-19 vaccine mandatory and you cannot require employees to get the vaccine if they choose not to. It is important to remind your employee’s that you will continue to provide a safe workplace.

BREAKING NEWS

Sheakley received breaking news this afternoon with additional information on whether employers can require proof that an employee has obtained a COVID-19 vaccination. There are some exceptions, read more below!

- Employers can require proof that employees have received a COVID-19 vaccine — with some exceptions, the U.S. Equal Employment Opportunity Commission (EEOC) said in Dec. 16 guidance.
- COVID-19 vaccinations approved by the Food and Drug Administration do not constitute medical examinations under the Americans with Disabilities Act (ADA), EEOC said, but certain inquiries could implicate the ADA’s rules on disability-related inquiries. Employers requiring vaccination or proof of vaccination must show that such inquiries are job related and consistent with business necessity.
- While federal law sometimes requires employers to grant policy exemptions as religious or disability accommodation, employers may be permitted to exclude from the workplace individuals unable to receive a COVID-19 vaccine under certain circumstances. In the event that an employee is unable to receive a vaccine due to a disability, the employer should conduct an individualized assessment to determine whether a direct threat scenario exists. If a direct threat cannot be reduced to an acceptable level via reasonable accommodation, the employer may exclude the employee from physically entering the workplace, the agency said. Similarly, if an employee is unable to receive a vaccine due to a sincerely held religious practice or belief, and there is no reasonable accommodation possible, an employer may exclude the employee from the workplace lawfully.