

CDC Issues New Relaxed Guidelines for Safety Practices for Essential Workers Potentially Exposed to COVID-19

Labor & Employment Law Update

By John Hayes on April 10, 2020

An important question for employers in essential industries is whether its employees should come to work after potential exposure to COVID-19. The previous guidance from the Centers for Disease Control and Prevention ("CDC") recommended employees stay home for 14 days after exposure. However, late on April 8, 2020 the CDC issued new guidelines — abandoning the former restrictions — for employers of critical infrastructure workers in essential sectors such as health care, manufacturing, food and agriculture, information technology, and transportation. The CDC guidance is designed to educate employers on the procedures to follow in allowing employees to return to work after having been exposed to the COVID-19, and to get employees in essential sectors back to work sooner rather than later.

The CDC advises that critical infrastructure workers may be permitted to continue to work, or return to work, following potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented by the employer. Specifically, the CDC says employers should adhere to the following practices when an employee has been potentially exposed to COVID-19 (a potential exposure means a household contact or having close contact within six feet of an individual that has confirmed or suspected COVID-19, up to 48 hours before the individual became symptomatic):

- **Pre-Screen:** Employers should measure the employee's temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.
- **Regular Monitoring:** As long as the employee doesn't have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program.
- **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or

can approve employees' supplied cloth face coverings in the event of shortages.

- **Social Distance:** The employee should maintain 6 feet and practice social distancing as work duties permit in the workplace.
- **Disinfect and Clean work spaces:** Clean and disinfect all areas such as offices, bathrooms, common areas, shared electronic equipment routinely.
- **Implement the CDC's prior guidance for employers to plan and respond to COVID-19:** Among other recommendations, increase air exchange in the workplace.

The CDC further recommends that if the employee becomes sick during the day, they should be immediately sent home and surfaces in their workspace should be cleaned and disinfected pursuant to CDC guidelines. Information on persons who had contact with the ill employee during the time the employee had symptoms and 2 days prior to symptoms should be compiled. Others at the facility with close contact within 6 feet of the employee during this time would be considered exposed.

This is just the first step the federal government is taking towards reopening the country, and is only a small part in the ever-evolving guidance to employers from the CDC. Employers of workers in an essential business sector should be mindful of these new guidelines issued by the CDC for both the safety of its workforce and potential pitfalls of allowing, or not allowing, an employee potentially exposed to COVID-19 to come to work. We will continue to monitor this very fluid situation and issue updates here as soon as things change.

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