



CLIENT ALERT: CDC Issues Interim Recommendations for Fully Vaccinated People

March 10, 2021

On March 8, 2021, the CDC [issued](#) Interim Public Health Recommendations for Fully Vaccinated People. As you've probably heard, in this guidance the CDC essentially gives the green light for groups of vaccinated people to socialize indoors, and for fully vaccinated people to socialize with a household of unvaccinated individuals (i.e., grandparents and grandchildren). We summarize the pertinent information for employers below and answer a few questions that may be top of mind. For more information please contact Peter Lowe at plowe@brannlaw.com or Hannah Wurgaft at hwurgaft@brannlaw.com.

- **COVID-19 symptoms still require caution:** the CDC advises all individuals who develop symptoms of COVID-19, even those who are fully vaccinated against the virus, to isolate and see a doctor. Therefore, employers should continue telling employees to stay home if they feel sick. Employers should be as flexible as possible in providing leave for COVID-19 related issues.
- **Protocol after exposure to Coronavirus:** the CDC states that fully vaccinated people who have been exposed to someone with a suspected or confirmed case of COVID-19 do not need to quarantine or be tested as long as they do not exhibit symptoms. Fully vaccinated people should monitor their symptoms for 14 days after exposure. If they begin to develop symptoms, they should isolate and see a doctor.
- **CDC recommends maintaining testing and workplace screening programs:** for employers with high-density workplaces, such as manufacturing plants, the CDC recommends providing testing and routine workplace screening programs after workplace exposures, even to fully vaccinated employees.

Employers should keep OSHA safety and health [guidance](#) in mind when considering COVID-19 mitigation strategies.

- **Workplace policies remain paramount:** the CDC states that in public spaces, fully vaccinated people should continue to follow all COVID-19 protocols, such as social distancing and wearing a face covering. Additionally, the guidance states that fully vaccinated people should continue following any applicable workplace guidance.

The bottom line here is, for the time being, employers should continue their COVID-19 safety practices and ensure employee compliance, regardless of how many employees receive the vaccine.

- **Our business operates in multiple states and some of these states have ended their mask mandate. Can we still require employees, customers, and visitors to wear face coverings?** Yes, consistent with your organization's workplace policy. Be sure to make the policy accessible to employees, and post notices on the premises and online alerting customers and visitors of the face covering policy. To ensure compliance with the ADA, organizations should offer reasonable accommodations to those individuals who cannot comply with the face covering policy for medical or religious reasons.
- **Can we ask our employees if they've been vaccinated?** Probably, yes. The EEOC states that asking or requiring an employee to show proof of a COVID-19 vaccination is not a disability-related inquiry under the ADA. When asking for proof of vaccination, employers "may want to warn the employee not to provide any medical information as part of the proof in order to avoid implicating the ADA."
- **Can we require non-vaccinated employees to work from home or in a separate area of the office?** This is a somewhat tricky issue. There may be some specific circumstances in which this could be justified. Generally speaking we believe the best approach is to maintain all of your COVID-19 workplace safety measures, and not distinguish between vaccinated and non-vaccinated employees. At this time, public health guidance states all individuals – vaccinated or unvaccinated – should continue following COVID-19 precautions in the workplace. Additionally, OSHA recommends employers not distinguish "between workers who are vaccinated and those who are not."