

CLIENT ALERT: Refresher and Update on Best Practices for COVID-19
August 23, 2021

Despite having one of the highest vaccination rates in the country, COVID-19 cases are increasing across Maine as a result of the Delta variant. With employees returning from summer vacation and many employers still navigating in-office work schedules and accommodations, we put together an update on current COVID-19 guidance from the CDC, the State of Maine, and OSHA, which recently released guidance for non-healthcare industries on August 13th. The recommendations from the CDC, the State of Maine, and OSHA remain best practice for health and safety at this time.

CDC Recommendations

The CDC [recommends](#) employers maintain many of the same precautions and protocols that have become commonplace over the past 18 months.

- **Symptomatic employees:** employees who have symptoms when they arrive to work or become sick at work should be immediately separated from others (employees, customers, visitors) and be sent home. Employees who test positive or are presumed positive for COVID-19 should follow return to work protocol, outlined below.
- **Employees exposed to COVID-19:** potentially exposed employees who have symptoms of COVID-19, regardless of vaccination status, should self-isolate and follow the return to work protocol outlined below. Potentially exposed employees who are **not** fully vaccinated and do not have symptoms should remain at home and practice social distancing for 14 days. However, unvaccinated individuals who contracted COVID-19 within the past three months from their new exposure, have fully recovered, and remain without symptoms do not need to quarantine.

Potentially exposed employees who are fully vaccinated and remain asymptomatic do not need to quarantine. However, the CDC and State of Maine recommend the following protocols for employees who may have been exposed to an infected person during the 48-hour period before the onset of symptoms:

- Testing 3-5 days after exposure, even if asymptomatic; and
 - Wearing a face covering in the workplace for 14 days following exposure or until negative test result
- **Return to work protocol:** individuals who test positive for COVID-19 should remain in home isolation/quarantine until:
 - 10 days have passed since symptoms first appeared;
 - 24 hours have passed since the resolution of fever without the use of fever-reducing medications; and

- Other symptoms of COVID-19 are improving (note: loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation)

If the individual is **asymptomatic**, they may end quarantine after 10 days have passed since their positive test result.

- **Who is considered a close contact?** An individual within 6 feet (about two arm's length) of an infected person for 15 minutes or more.

Maine Guidance

- **Mandatory vaccines for healthcare workers:** Governor Mills announced on August 12 that healthcare workers in Maine must be fully vaccinated against COVID-19 by October 1, 2021. The state recently released an FAQ page on this new requirement, which is available [here](#). The FAQ addresses which organizations qualify as “health care facilities” under this mandate and employee exceptions to the mandate.
- **Face coverings:** consistent with CDC guidance, Maine recommends individuals in counties with “substantial” or “high” levels of COVID-19 transmission wear face coverings in indoor public settings, regardless of vaccination status. The list of counties where face coverings are recommended changes based on the latest data from the CDC. The updated list is accessible [here](#).
- **Maine’s Travel Requirements:** there are no requirements for domestic travelers at this time. Fully vaccinated international travelers do not need to quarantine on their arrival to Maine unless they are symptomatic. International travelers who are not fully vaccinated should quarantine for seven days after their arrival into the U.S. Unvaccinated, asymptomatic international travelers should be tested if their arrival in Maine is within 3-5 days of their arrival into the U.S.

OSHA Guidance

OSHA released [guidance](#) for employers outside of the healthcare industry on August 13, 2021. Although these recommendations do not create legal obligations for employers, OSHA reminds employers of the General Duty Clause, Section 5(a)(1) of the OSH Act, which requires employers to “provide a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.” OSHA’s recommendations include:

- **Face coverings:** all workers, including those who are fully vaccinated, wear a face covering in public indoor settings in areas of substantial or high transmission of COVID-19 (unless their work requires a respirator or other PPE).

Employers should “suggest or require” all customers, visitors, or guests wear face coverings in public indoor settings in areas of substantial or high transmission of COVID-19.

- **Vaccine or regular testing:** OSHA recommends employers consider adopting policies that require workers to get vaccinated or undergo regular COVID-19 testing — in addition to masking wearing and physical distancing — if they remain unvaccinated; and

Consistent with CDC guidance, fully vaccinated workers who have a known exposure to someone with suspected or confirmed COVID-19 should be tested 3-5 days after exposure, and wear a mask in public indoor settings for 14 days or until they receive a negative test result.

- **Other safety and health measures:** OSHA continues to recommend social distancing, regular cleaning, and increased ventilation in the workplace, as well as removing from the workplace all individuals experiencing symptoms of COVID-19 or potentially exposed to someone with COVID-19.
- **Reasonable accommodations:** employees may request reasonable accommodations if they are unable to comply with their employer's safety requirements due to a disability. For more information on reasonable accommodations and COVID-19, consult [EEOC guidance](#).