



COVID-19 VACCINE MANDATES, QUARANTINE, AND ISOLATION: PUTTING IT ALL TOGETHER

Over the last few weeks, multiple courts have issued decisions on COVID-19 vaccine mandates. At the same time, the CDC stopped using the term “fully vaccinated” and significantly altered guidance on quarantine and isolation for those exposed to and testing positive for COVID-19. Some of those changes received substantial press attention while others seemingly were announced only on the CDC website. Below is a current summary of the COVID-19 vaccine mandates and CDC guidance on quarantine and isolation. More details are available on www.cdc.gov.

Status of COVID-19 Vaccine Mandates

- **Private employer mandate – stayed/blocked.** The United States Supreme Court blocked the OSHA Emergency Temporary Standard (“ETS”) implementing the COVID-19 vaccination mandate for private employers with 100 or more employees. Litigation is ongoing in lower courts, but OSHA is not permitted to take any action to enforce the ETS until further court order.
- **Federal contractor mandate – stayed/blocked.** Multiple Federal courts have blocked the COVID-19 vaccination mandate for Federal contractors, resulting in a de facto nationwide stay. The Federal contractor mandate is the mandate which covered many private companies, such as airlines, which have Federal contracts. Litigation is ongoing but the mandate is blocked pending further court order.
- **Federal employee mandate – stayed/blocked.** A Federal court blocked the COVID-19 vaccination mandate for Federal employees. Litigation is ongoing but the mandate is blocked pending further court order.
- **CMS (Medicare/Medicaid) mandate for healthcare workers – in effect.** The United States Supreme Court allowed the CMS COVID-19 vaccine mandate to remain in effect while litigation challenging the mandate continues. The CMS mandate covers most hospital systems, ambulatory surgical centers, long term care facilities, home health agencies, and other Medicare/Medicaid-certified providers and suppliers. Doctors’ offices may NOT be subject to the CMS mandate, but each office must make a thorough, specific analysis of its Medicare/Medicaid certification status. Employers subject to the mandate must require employees to get their first COVID-19 shot by January 27, 2022 and complete the COVID-19 shot protocol by February 28, 2022. Religious and medical exemptions are permitted, and employers must take additional safety precautions for employees who are exempt. There is no alternative for a weekly “test out” option.
- **New Jersey mandate for workers in healthcare, high risk congregate settings, preschool-grade 12 schools, state agencies and colleges, and child care facilities**



– **in effect.** Governor Murphy issued an updated mandate for workers in those settings which includes a mandate for booster shots. Employees subject to the mandate must be “up to date” on their primary and booster COVID-19 shots by March 30, 2022 (unless an earlier date applies because of the CMS rule above). Religious and medical exemptions are permitted, and exempt employees must be tested weekly. There is no alternative for a weekly “test out” option other than weekly testing for exempt employees. See www.nj.gov for more information.

CDC Updates Guidance on Quarantine and Isolation – Two MAJOR Changes

- On January 20, 2022, the CDC updated its guidance on quarantine and isolation. “Quarantine” applies to persons who have been exposed to COVID-19 but have not yet tested positive for the virus. “Isolation” applies to persons who have tested positive for COVID-19. The CDC’s updated guidance has two MAJOR changes, even beyond the shortening of quarantine periods announced several weeks ago. Those changes are:
 - **CDC stops using term “fully vaccinated” and switches to “up to date” on COVID-19 shots.** The CDC used this method to change the definition of “fully vaccinated” to include a requirement to get the booster shot. Persons who received the initial COVID-19 shot protocol but have not received the booster shot after becoming eligible are no longer considered “up to date” on COVID-19 shots and must quarantine as if “unvaccinated.”
 - **CDC says that persons who had a confirmed case of COVID-19 in the last 90 days no longer have to quarantine if exposed to COVID-19 and have no symptoms.** Persons who tested positive for COVID-19 using a viral test within the last 90 days of another exposure to a COVID-19 infected person do not need to quarantine unless experiencing symptoms. The CDC includes a “rapid test” as a “viral” test but notes that the “results may be less reliable for people without symptoms.” By the CDC’s definition, a person who tested positive for COVID-19 by a self-administered rapid test within the last 90 days of a new exposure to COVID-19 does NOT have to quarantine unless the person is symptomatic, regardless of the person’s vaccination status.
- The Quarantine and Isolation chart below summarizes current CDC Guidance as updated on the CDC website on January 20, 2022. Employers may choose to utilize the chart below to determine when employees are able to return to work following exposure or a positive test. A pdf of the chart below which you can print and use as a standalone reference is available at www.ELDI.legal on the Employer’s Toolkit page.



QUARANTINE/ISOLATION – CDC GUIDANCE UPDATED AS OF JANUARY 20, 2022 **PER CDC.GOV**

Quarantine: If you were exposed to someone with COVID-19. Quarantine periods are calculated beginning on the first full day away from exposure (i.e. close contact with COVID-infected person on Tuesday, Wednesday is Day 1).

- **Persons “up to date” on vaccine (including booster if eligible):**
 - No quarantine necessary if no symptoms
 - If symptoms develop, isolate immediately and get tested
 - Even if no symptoms, get tested after 5 days
- **Persons not “up to date” on vaccine (unvaccinated/not boosted):**
 - Quarantine for five days
 - If no symptoms, get tested after five days and if negative, return to work
 - If symptoms develop, isolate immediately and get tested
- **Persons who have had a confirmed COVID-19 case within the past 90 days (using a viral test):**
 - No quarantine necessary if no symptoms
 - If symptoms develop, isolate immediately and get tested. Stay home until test results received.

Isolation: Persons who have tested positive for COVID-19. Day 1 is the first full day after symptoms developed OR test specimen collected.

- **Regardless of vaccination status:**
 - Isolate for 5 days
- **Isolation ends depending upon symptoms:**
 - If no symptoms, end isolation after 5 days
 - If had symptoms, end isolation after 5 days if person is (1) fever free for 24 hours without fever-reducing medication and (2) symptoms are improving

We will keep you updated as we receive more information. If you have any questions in the interim, please contact ELDI Founder Kimberly L. Russell, Esquire at krussell@kaplaw.com or (610) 941-2541.