

## The CDC (and Others) Change Guidance

### COVID-19 Response Resource Center: Timely Counsel for your Business

By Natalie Sanders and Jessica Thaller-Moran on 07.22.2020

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The one constant in the COVID-19 pandemic is that the guidance keeps changing. We have highlighted it before and we'll do it again: Part of every employer's COVID-19 preparedness and response plan needs to include the designation of someone in the company who will periodically review the website for the Center for Disease Control (CDC) and other key organizations such as the Department of Labor and the Department of Health and Human Services for changes to their guidance on COVID-19 precautions.

On Monday, the CDC changed key elements in its recommendation for determining when a person infected with COVID-19 and showing symptoms can leave isolation without testing. While the general recommendation continues to consist of three benchmarks— (1) time since symptom onset, (2) length of time that a person has been fever free without the use of fever-reducing medications, and (3) an improvement in symptoms—the CDC's guidance on all three of these benchmarks has changed.

With regard to the first benchmark, the CDC continues to recommend that most individuals should remain isolated for at least 10 days since symptom onset. However, the guidance now provides that patients with severe illness should isolate for 20 days after symptom onset.

As to the second benchmark, the CDC reduced the length of time that someone should be fever free without the use of fever-reducing medications from 72 hours to 24 hours.

Finally, instead of tying the end of isolation to whether respiratory symptoms have improved, the CDC's guidance now says that isolation may end when there has been improvement in that person's symptoms, without specifically identifying respiratory symptoms. The CDC says it has made this change in recognition of the expanded list of COVID-19 symptoms.

What else has changed recently? While we can't catalogue every change, here are a few that are notable and may require changes to company policies and procedures:

- The Department of Labor provided guidance Monday regarding telework arrangements by adding to their COVID-19 and the Fair Labor Standards Act Questions and Answers. They specifically addressed issues associated with determining compensable work and dealing with

exemptions.

- While OSHA has not issued mandatory workplace safety standards to address COVID-19 (OSHA only has guidance documents available at this link), the state of Virginia has created a mandatory COVID-19 workplace safety standard. It is only binding for employers in Virginia, but it may be useful for employers in other locations trying to determine best practices for their workplaces.
- The North Carolina Department of Health and Human Services no longer defines close contact differently than the CDC (both now refer to being within six feet of someone for at least 15 minutes; the NCDHHS previously said at least 10 minutes).
- While not specifically COVID-19 related, the DOL has issued new forms for use under the Family and Medical Leave Act, along with seven Questions and Answers about the new forms and their use.

With so much changing on a nearly daily basis, we encourage employers to take a moment to talk with a member of our labor and employment law team whenever addressing COVID-19 related matters, especially those involving removal and return of employees to the workplace.

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Brooks Pierce is dedicated to keeping our clients fully informed during the COVID-19 crisis. For more information, please visit our [COVID-19 Response Resources](#) page.

**Tags:** Centers for Disease Control and Prevention (CDC), North Carolina Department of Health and Human Services, Occupational Safety and Health Administration (OSHA), U.S. Department of Labor