

Since May 29, 2020, employers have been following the CDC's guidance regarding the discontinuation of home isolation by using either the test-based, symptom based, or time-based strategies for return to work scenarios where employees have confirmed or suspected cases of COVID-19 or have been exposed via close contact to COVID-19.

Following CDC guidelines ensures that employers comply with OSHA standards to provide a safe workplace.

Effective late on Monday, July 20, the CDC changed its guidance for discontinuing home isolation and has stated that "a test-based strategy is no longer recommended to determine when to discontinue home isolation, except for individuals are "severely immunocompromised" and instead recommends using a symptom-based strategy. CDC has even changed the symptom-based strategy itself, recommending at least 24 (rather than 72) hours have passed since the last fever without the use of fever-reducing medications.

The symptom-based strategy now includes the following recommendations:

***Persons with COVID-19 who have symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:***

- *At least 10 days\* have passed since symptom onset **and***
- *At least 24 hours have passed since resolution of fever without the use of fever-reducing medications **and***
- *Other symptoms have improved.*

*\*A limited number of persons with severe illness may produce replication-competent virus beyond 10 days, that may warrant extending duration of isolation for up to 20 days after symptom onset. Consider consultation with infection control experts. See [Discontinuation of Transmission-Based Precautions and Disposition of Patients with COVID-19 in Healthcare Settings \(Interim Guidance\)](#).*

***Persons infected with SARS-CoV-2 who never develop COVID-19 symptoms may discontinue isolation and other precautions 10 days after the date of their first positive RT-PCR test for SARS-CoV-2 RNA.***

For a link to CDC's guidance on discontinuing home isolation, click here: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>

For many employers, the test-based strategy has seemed to be the only method that does not require an employer to apply medical factors to unique employee situations, and for that reason has been a preferred approach to return to work determinations. As a result of this updated guidance, it would surprise us if many employers change that approach in the near term. We note that there has been no corresponding update to EEOC guidance related to employer-imposed testing requirements as part of their return to work strategies. EEOC FAQs maintain that "an employer may choose to administer COVID-19 testing to employees before they enter the workplace to determine if they have the virus." See FAQ A.6 at <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

We will continue to keep you apprised of significant developments.

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