

March 10, 2021

New CDC Guidance Provides Some Mask Relief for Those Vaccinated

On Monday, March 8, the Centers for Disease Control (CDC) issued new guidance that signals some relaxing of mask guidance for those who have been vaccinated. It's not time to go mask free everywhere yet, but this is a step in that direction – as more people get vaccinated. The guidance says that fully vaccinated people can:

1. Visit with other fully vaccinated people indoors without wearing masks or physical distancing;
2. Visit with unvaccinated people from a single household who are at low risk for severe COVID-19 disease indoors without wearing masks or physical distancing;
3. Refrain from quarantine and testing following a known exposure if asymptomatic.

But the guidance warns that fully vaccinated people should continue to wear masks in public or workplace settings where the vaccination status of others present is unknown. The guidance also says to avoid medium and large sized in-person gatherings. Local and state rules often define the size of gatherings that are allowed with social distancing and masks, and persons who are vaccinated, should still follow these rules (masking and distancing) for those medium or larger gatherings.

The CDC rules also state to follow guidance issued by employers. Therefore, employers should review their policies to begin to address meetings and other workplace gatherings, considering these factors:

- In person meetings or gatherings without masks are allowed under the guidance, so long as all persons present have been fully vaccinated.
 - Note that new OSHA standards are expected in the next week, and these rules should be consulted before shifting to mask-free

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meetings if all attendees have been vaccinated. We encourage you to consult state and local rules.

- New OSHA standards are expected in the next week, and these rules should be consulted before shifting to mask free meetings if all attendees have been vaccinated. We encourage you to consult state and local rules.
- Obtain a signed acknowledgement of vaccination status from all persons present along with a waiver related to misrepresentation of vaccination status.
- Attendance at mandatory in person meetings, where people are not wearing masks, is the equivalent of mandating vaccinations for those people who must attend. If that is going to be the employer's policy, this should be discussed with legal counsel and notice provided to employees of that policy.
- Some people cannot receive the vaccine due to medical conditions (or religious reasons). A mechanism must be provided for them to opt out, and that should run through Human Resources, to protect confidentiality of any medical information.
- A vaccinated employee who has been exposed to someone with COVID-19 may not need to quarantine.
- If the vaccinated employee is two weeks from the date of full vaccination (one shot J&J or 2nd shot Pfizer/Moderna), the employee may not need to quarantine if exposed to someone with COVID-19 provided that:
 - the vaccinated employee remains asymptomatic (no symptoms),
 - AND the vaccinated employee is required to monitor symptoms for 14 days from exposure.
- Employees should still wear masks in the workplace, even if vaccinated, unless all employees at the workplace have been vaccinated.
- If an employee is, or becomes symptomatic, they need to quarantine (regardless of vaccination status).
- Testing following exposure is still recommended for employees in high-density/congregate settings (such as manufacturing).
- Build into your contract tracing protocols questioning directed whether the employee with symptoms and/or the close contact was vaccinated.

Up Next: The Federal Occupational Safety and Health Administration (OSHA) is expected to issue an Emergency Temporary Standard regarding employer COVID-19 safety practices by next Monday, March 15, 2021. We will issue a client alert as soon as that happens. Lastly, we will be rolling out an offering to audit existing programs against that new standard – stay tuned for more information. If you have any questions with respect to the information above, contact Chuck Palmer, Bethany McCurdy, or your Michael Best attorney.



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