

MINIMUM RETURN-TO-WORK STANDARDS BASED ON CDC GUIDANCE IN COMMON SCENARIOS

The Centers for Disease Control and Prevention (CDC) has issued COVID-19 guidance about when individuals should quarantine, for how long they should quarantine, and when they may return to work after having been quarantined. The below chart attaches that CDC guidance to common scenarios faced by employers in determining when an employee must stay home and when they can return based on symptoms, exposure to COVID-19, and test results. By identifying the classifications into which an employee falls (i.e., exposed to COVID-19), mild symptoms, and no test result), the chart provides the CDC's recommendations. State and local guidance may deviate from the CDC's in some cases. For this reason, you always check to determine if there is any local guidance. If there is a conflict between CDC guidance and state or local guidance, consult with your counsel to determine the appropriate steps.

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Exposed ² with no symptoms and no test	Y	N	N/A	For 14 days, must wear a mask 100% of the time; must check temperature immediately prior to beginning shift; must remain 6 feet distant as much as job allows; the employer must clean and disinfect the workplace; the employee must self-monitor for symptoms; and must follow general guidelines. ³	Test: Allowed. Dr. Release: Discouraged due to logistical concerns and low value.	None.	None.

¹ On July 22, 2020, [the CDC recommended that decisions to end self-isolation should be based on the symptom-based strategies](#) because the testing strategies were unnecessarily extending the duration of the isolation and were a poor use of testing resources. The CDC also found that testing can return positive results without any contagious viral material for extended periods after a patient is no longer contagious, making them over inclusive. Tests should only be used to discontinue isolation or other precautions earlier than would typically occur under the symptom-based strategy. Nevertheless, employers are still allowed to require a negative test. There are many considerations when deciding whether to require employees to provide a negative test result or a doctor's release to return to work which are beyond the scope of this tool. Employers should make these decisions considering local testing circumstances in consultation with their counsel. This chart simply provides the answer to whether it is an option in a given scenario.

² Those who have been within six feet of an infected person (confirmed or suspected) for a cumulative total of 15 minutes or more during a 24-hour period, during the 48 hours before the infected person exhibits symptoms (or, if asymptomatic, 48 hours prior to the administration of their COVID-19 test) until the infected person is cleared from self-isolation. This applies even if the employees were wearing face coverings or other PPE.

³ The term "general guidelines" refers to the CDC suggested practices to prevent the spread of COVID including wearing a mask or cloth face covering, frequent handwashing, remaining six feet away from others, and regularly cleaning and disinfecting all work areas.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Exposed with no symptoms and no test	N	Y	14 days from date of last exposure.	Can return after 14 days with no symptoms; must follow general guidelines.	Test: Allowed, but a negative test will not change the length of quarantine. Dr. Release: Discouraged due to logistical concerns and low value.	EPSL. ⁴	None.
Exposed with mild to moderate symptoms ⁵ but no test	N/A	Y	A minimum of 14 days from the last date of exposure and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	May return when 14 days have passed from the date of last exposure and at least 24 hours have passed since resolution or fever without medication and all other symptoms have improved; must follow general guidelines.	Test: Allowed. Dr. Release: Allowed.	EPSL and potentially ordinary FMLA depending on severity of symptoms.	None unless employee was in the workplace within 48 hours of the onset of symptoms, then notification and contact tracing (treat as a presumed positive case). ⁶

⁴EPSL refers to Emergency Paid Sick Leave provided under the Families First Coronavirus Response Act. Please refer to [Fisher Phillips Guidance on EPSL](#) for the details of the leave. Quarantined employees who are able to work from home based on both the nature of the job as well as their physical ability do not qualify for Emergency Paid Sick Leave and may be required to work from home.

⁵While not specifically defined in the CDC guidance on discontinuation on self-isolation, the CDC provides the following information in other guidance: Mild Illness: Individuals who have any of the various signs and symptoms of COVID-19 (e.g., fever, cough, sore throat, malaise, headache, muscle pain) without shortness of breath, dyspnea, or abnormal chest imaging. Moderate Illness: Individuals who have evidence of lower respiratory disease by clinical assessment or imaging, and a saturation of oxygen (SpO₂) ≥94% on room air at sea level.

⁶Contract tracing means identifying all individuals who had close contact with the infected employee and requiring those individuals to quarantine.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Exposed with severe symptoms⁷ but no test	N/A	Y	Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended.	EPSL and FMLA.	Notification and contact tracing (treat as a presumed positive case).
Mild to moderate symptoms but no exposure and no test	N/A	Y	This scenario needs a highly individualized response based on the particular facts. Contact your counsel to discuss the situation.	This scenario needs a highly individualized response based on the particular facts. Contact your counsel to discuss the situation.	Test: Allowed. Dr. Release: Allowed.	FMLA depending on severity of symptoms. EPSL with appropriate doctor's order.	Contact counsel.
Severe symptoms but no exposure and no test	N/A	Y	Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended	FMLA and EPSL with appropriate doctor's order.	Notification and contact tracing (treat as a presumed positive case).

⁷While not specifically defined in the CDC guidance on discontinuation on self-isolation, the CDC provides the following information in other guidance: Severe Illness: Individuals who have respiratory frequency >30 breaths per minute, SpO2 <94% on room air at sea level (or, for patients with chronic hypoxemia, a decrease from baseline of >3%), ratio of arterial partial pressure of oxygen to fraction of inspired oxygen (PaO2/FiO2) <300 mmHg, or lung infiltrates >50%.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Mild to moderate symptoms but no exposure and positive test	N/A	Y	A minimum of 10 days from the onset of symptoms or for as long as symptoms exist, whichever is longer, and at least 24 hours have passed since resolution or fever without medication and all other symptoms have improved.	After a minimum of 10 days from symptom onset and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved; must follow general guidelines.	Test: Allowed. Dr. Release: Allowed.	EPSL and FMLA depending on severity of symptoms.	Notification and contact tracing.
Severe symptoms but no exposure and a positive test			Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended.	EPSL and FMLA.	Notification and contact tracing.
Mild to moderate symptoms but no exposure and a negative test	N/A	Y	This scenario needs a highly individualized response based on the very particular facts. Contact your counsel to discuss the situation.	This scenario needs a highly individualized response based on the very particular facts. Contact your counsel to discuss the situation.	Test: Allowed Dr. Release: Allowed.	FMLA depending on severity of symptoms. EPSL with appropriate doctor's order.	Contact counsel.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Severe symptoms but no exposure and a negative test	N/A	Y	Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended	FMLA and EPSL with appropriate doctor's order.	Notification and contact tracing (treat as a presumed positive case).
Exposed plus mild to moderate symptoms and positive test	N/A	Y	A minimum of 10 days from the onset of symptoms or for as long as symptoms exist, whichever is longer, and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	After a minimum of 10 days from symptom onset and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved; must follow general guidelines.	Test: Allowed Dr. Release: Allowed.	EPSL and FMLA depending on severity of symptoms	Notification and contact tracing.
Exposed plus mild to moderate symptoms and negative test	N	Y	A minimum of 14 days from the date of last exposure and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	Minimum of 14 days from date of last exposure and at least 24 hours have passed since resolution of fever without medication and all other symptoms have improved.	Test: Allowed. Dr. Release: Allowed.	Work at home or EPSL and FMLA depending on severity of symptoms.	None unless employee was in the workplace within 48 hours of the onset of symptoms. Then contact tracing.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Exposed plus severe symptoms and negative test	Y	Y	Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended	EPSL with appropriate doctor's order and FMLA.	Notification and contact tracing (treat as a presumed positive case).
Exposed plus severe symptoms and negative test	N	Y	Length of isolation is determined by the health care provider.	A doctor's note releasing the individual to return.	Test: If ordered by doctor. Dr. Release: Recommended.	EPSL with appropriate doctor's order and FMLA.	Notification and contact tracing (treat as a presumed positive case).
Exposed but no symptoms and a positive test	N/A	Y	10 days from the date the test was given as long as no symptoms develop.	10 days from the date the test was given; must follow general guidelines.	Test: Allowed, but check local health department guidance on testing when no symptoms are present. Dr. Release: Discouraged due to logistical concerns and low value.	EPSL.	Notification and contact tracing.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios

Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
Exposed but no symptoms and a negative test	Y	N	N/A	For 14 days, must wear a mask 100% of the time; must take temperature before starting shift; must remain 6 feet distant as much as possible; employer must clean and disinfect the workplace, the employee should self-monitor for symptoms, and must follow general guidelines.	Test: Allowed, but check local health department guidance on testing when no symptoms are present. Dr. Release: Discouraged due to logistical concerns and low value.	None.	None.
Exposed but no symptoms and a negative test	N	Y	14 days from date of last exposure	After 14 days from last exposure; must follow general guidelines	Test: Allowed, but check local health department guidance on testing when no symptoms are present. Dr. Release: Discouraged due to logistical concerns and low value.	Work at home or EPSL with appropriate doctor's order.	None.

Minimum Return-to-Work Standards Based on CDC Guidance in Common Scenarios



Scenario	Critical Infrastructure Worker Y/N	Quarantine Required Y/N	Quarantine Length	Conditions for Return to work	May/Should Employer Require A Negative Virus Test or Doctor's Release to Return? ¹	Leave Rights	Actions with Other Employees
No exposure with no symptoms but a positive test	N/A	Y	10 days from the date the test was given.	10 days from the date the test was given; must follow general guidelines.	Test: Allowed. Dr. Release: Allowed.	Work at home or EPSL.	Notification and contact tracing.
No exposure with no symptoms and a negative test	N/A	N	N/A	Must follow general guidelines.	No.	None.	None.