

# CLIENT ALERTS

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## CDC reduces self-quarantine period, but is this a green light for employers?

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Last week, the CDC added two self-quarantine options for individuals who have been in “close contact” with someone with COVID-19. In so doing, however, **the CDC did not change its standard recommendation that self-quarantine should last for 14 days** from the last close contact with the infected person. Nonetheless, the CDC cited several studies suggesting that there is minimal risk associated with reducing the self-quarantine period, as described below.

### CDC's Latest Quarantine Guidance

The two new options articulated by the CDC are:

1. 10 Days if No Symptoms: If the exposed individual does not get a COVID test, then they can end self-quarantine on the 11<sup>th</sup> day after exposure, provided they conduct daily symptom screenings and remain asymptomatic for that period. According to the CDC, this strategy reduces the risk of an exposed person transmitting COVID to 1% - 10%.
2. 7 Days if Negative Test Result and No Symptoms: If the exposed individual tests negative, then they can end self-quarantine on the 8<sup>th</sup> day after exposure, provided they conduct daily symptom screenings and remain asymptomatic for that period. The person must be tested within 48 hours of the last day of quarantine (so no earlier than the 5<sup>th</sup> day after exposure), but quarantine cannot end any earlier than on the 8<sup>th</sup>. According to the CDC, this strategy reduces the risk of an exposed person transmitting COVID to 5% - 10%.

With either option, for the full 14 days after exposure, the exposed person must conduct daily symptom screening, adhere to correct and consistent mask use, practice social distancing, avoid crowds, and follow cough and hand hygiene guidelines.

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### Conflict between CDC Guidance and Michigan Statute:

The CDC's guidance is just that – it is only “guidance.” In response to the CDC guidance, the Michigan Department of Health and Human Services (MDHHS) issued its own guidance adding the “10 days if no symptoms” self-quarantine option to the standard 14-day option. MDHHS did not adopt the “7 days with negative test and no symptoms” option.

But, regardless of either the CDC or MDHHS guidance, the Michigan Covid-19 Employment Rights Act, MCL 419.405, mandates a 14-day “close contact” quarantine. In addition, Michigan's COVID-19 Response and Reopening Liability Assurances Act, MCL 691.1451, only shields an employer from liability for a COVID-related damage claim by employees if it complied with all laws and regulations in effect at the time the employee was harmed.

The million-dollar question is, then, can employers in Michigan begin using the seven and ten-day quarantine options? As Coach Lee Corso would say, “Not so fast my friends.”

### Should Employers Change their Standards?

In response to the conflict between the CDC guidance and Michigan law, the Michigan legislature is moving forward with two bills adopting the new CDC guidance, HB 6448 and HB 6467. These will hopefully be fast-tracked so that employers will have clear guidance on the self-quarantine options in Michigan. Given the current inconsistency between Michigan law and the CDC guidance, employers may simply want to wait before changing their quarantine standards, that is, leave a 14-day quarantine period in place, to allow the legislature to work on a fix before December 17<sup>th</sup>, the end of the lame-duck session.

Please do not hesitate to contact your Butzel attorney with questions about how these new guidelines impact your organization.

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